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HISTORY AND GOVERNMENT OF MISSOURI



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THE
STATE GOVERNMENT SERIES

EDITED BY
B. A. HINSDALE, Ph.D., LL.D.

VOLUME 1.



ALEXANDER McNAIR,
First Governor of Missouri, 1820-1824.

HISTORY
AND
Civil Government of Missouri
BY
J. U. BARNARD

PROFESSOR OF PEDAGOGY IN THE UNIVERSITY OF MISSISSIPPI; SOMETIME PROFESSOR IN THE STATE NORMAL SCHOOLS OF MISSOURI

AND
The Government of the United States
By B. A. HINSDALE, Ph.D., LL.D.

REVISED EDITION



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History of Missouri

PREFACE.

Civil Government is one of the prescribed branches of study in the public schools. In addition to the usual course of instruction in national government, the teachers of Missouri must be examined also on state government.

This latter requirement has given rise to a very general demand for a convenient and practical work on the civil system of Missouri. With a view to furnishing information upon this topic, in a form adapted to the uses of the schoolroom, the present work has been prepared, and it is believed that a popular demand will be met by its publication.

It is with state and local government that the citizen is mostly concerned. It is with these that he comes in contact most frequently, and to these he appeals for immediate protection of person and property. If he lives in a city or town, he is subject to no less than five local systems of government,—the school district, the township, the city or town, the county, and the state,—each of which has a separate and special function. “The institutions directly affecting the citizen in his ordinary civil relations are those chiefly of the state and the local governments within it.” Hence to limit instruction in

civil government to matters pertaining to the general government alone, is to leave out much that is demanded by the best interests of the citizen. A knowledge of state and other local forms of government is necessary to a proper understanding of the federal system.

The present work is an attempt at a systematic presentation of the principles of local government as exemplified in the constitution and laws of Missouri. From the great mass of materials at command, such laws and facts and principles have been selected as seemed necessary to an orderly statement of the essentials of state government.

The present discussion includes also such questions of national government as have a local meaning and application. But in order to make the work complete for the purposes of a text-book, the constitution of the United States has been added.

The "Stimulating Questions" at the close of each chapter are intended to provoke thought upon topics suggested by the text. Properly used by the teacher they may be made a very valuable means to original thought and investigation.

J. U. BARNARD.

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GENERAL INTRODUCTION.

The character of the volumes that will comprise The State Government Series is indicated by the name of the series itself. More definitely, they will combine two important subjects of education, History and Government. It is proposed in this Introduction briefly to set forth the educational character and value of these subjects, and to offer some hints as to the way in which they should be studied and taught, particularly as limited by the character of the Series.

1. THE EDUCATIONAL VALUE OF THE STUDY OF HISTORY AND GOVERNMENT.

Not much reflection is required to show that both of these subjects have large practical or guidance value, and that they also rank high as disciplinary studies.

1. *History*.—When it is said that men need the experience of past ages to widen the field of their personal observation to correct their narrow views and mistaken opinions, to furnish them high ideals, and to give them inspiration or motive force; and that history is the main channel through which this valuable experience is transmitted to them—this should be sufficient to show that history is a very important subject of education. On this point the most competent men of both ancient and modern times have delivered the most convincing testimony. Cicero called history “the witness of times, the light of truth, and the mistress of life.” Dionysius of Halicarnassus said “history is philosophy teaching by

examples," and Lord Bolingbroke lent his sanction to the saying. Milton thought children should be taught "the beginning, the end, and the reasons of political societies." Another writer affirms that "history furnishes the best training in patriotism, and enlarges the sympathies and interests." Macaulay said: "The real use of traveling to distant countries, and of studying the annals of past times, is to preserve them from the contraction of mind which those can hardly escape whose whole course is with one generation and one neighborhood."

In every great field of human activity the lessons of history are invaluable—in politics, religion, education, moral reform, war, scientific investigation, invention and practical business affairs. The relations of history and politics are peculiarly close. There could be no science of politics without history, and practical politics could hardly be carried on. But, more than this, there can be no better safeguard than the lessons of history against the specious but dangerous ideas and schemes in relation to social subjects that float in the atmosphere of all progressive countries. In fact, there is no other safeguard that is so good as these lessons; they are experience teaching by examples. The man who has studied the history of the Mississippi Scheme, the South Sea Bubble, or some of the less celebrated industrial or economical manias that have afflicted our own country, is little likely to embark in similar schemes himself, or to promote them. The man who has studied the evils that irredeemable paper money caused in France in the days of the Revolution, or the evils that the Continental money caused in our own country, will be more apt to form sound views on the subjects of currency and banking than the man who has had no such training. The

school history is a conservative school, and its lessons are our great defense against cranks, faddists, and demagogues.

2. *Government*.—Politics is both a science and an art. It is the science and the art of government. As a science it investigates the facts and principles of government; as an art it deals with the practical applications of these facts and principles to the government of the state.

Now it is manifest that the art of politics, or practical government, directly concerns everybody. Few indeed are the subjects in which men, and particularly men living in great and progressive societies, are so deeply interested as in good government. The government of the state is charged with maintaining public order, securing justice between man and man, and the promotion of the great positive ends of society. For these purposes it collects and expends great revenues, which are ultimately paid from the proceeds of the labor of the people. Furthermore, in republican states, such as the American Union and the forty-four individual States that make up the Union, government is carried on by the people through their representatives chosen at popular elections. The voters of the United States are a great and rapidly growing body. In the presidential election of 1888, 11,388,007 citizens participated; in the presidential election of 1892, 12,078,657 — a growth of nearly 700,000 in four years. Moreover, these voters are felt in many other ways and places; they vote for National representatives, for State legislatures, executives, and judges, for county, township, and city offices, for the supervisors of roads and the directors of the public schools. There is not a point in the whole round of National, State, and Local government that the popular will, as expressed at elections,

does not touch. Every man is, therefore, directly concerned to understand the nature and operations of these governments, and almost equally concerned to have his neighbors also understand them.

We have been dealing with practical politics exclusively. But the art of government depends upon the science of government. The government of a great country like our own, at least if a good one, is a complicated and delicate machine. Such a government is one of the greatest triumphs of the human mind. It is the result of a long process of political experience, and in its elements at least it runs far back into past history. It is, therefore, a most interesting study considered in itself. All this is peculiarly true of our own government, as will be explained hereafter.

However, this complicated and delicate machine is not an end, but only a means or instrument; as a means or instrument it is ordained, as the Declaration of Independence says, to secure to those living under it their rights—such as life, liberty, and the pursuit of happiness; and the extent to which it secures these rights is at once the measure of its character, whether good or bad.

It is also to be observed that a government which is good for one people is not of necessity good for another people. We Americans would not tolerate a government like that of Russia, while Russians could hardly carry on our government a single year. A good government must first recognize the general facts of human nature, then the special character, needs, habits, and traditions of the people for whom it exists. It roots in the national life and history. It grows out of the national culture. Since government is based on the facts of human nature and human society, it is not a mere crea-

ture of accident, chance, or management. In other words, there is such a thing as the science of government or politics. Moreover, to effect and to maintain a good working adjustment between government and a progressive society, is at once an important and difficult matter. This is the work of the practical statesman. And thus we are brought back again to the fact that the science of government is one of the most useful of studies.

Mention has been made of rights, and of the duty of government to maintain them. But rights always imply duties. For example: A may have a right to money that is now in B's possession, but A cannot enjoy this right unless B performs the duty of paying the money over to him. If no duties are performed, no rights will be enjoyed. Again, the possession of rights imposes duties upon him who possesses them. For example: The individual owes duties to the society or the government that protects him in the enjoyment of his rights. Rights and duties cannot be separated. Either implies the other. Accordingly, the practical study of government should include, not only rights, but also duties as well. The future citizen should learn both lessons; for the man who is unwilling to do his duty has no moral claim upon others to theirs.

The foregoing remarks are particularly pertinent to a republican government, because under such a government the citizen's measure of rights, and so of duties, is the largest. Here we must observe the important distinction between civil and political rights. The first relate to civil society, the second to civil government. Life, liberty of person, freedom of movement, ownership of property, use of the highways and public institutions, are civil rights. The suffrage, the right to hold

office under the government, and general participation in public affairs are political rights. These two classes of rights do not necessarily exist together; civil rights are sometimes secured where men do not vote, while men sometimes vote where civil rights are not secured; moreover, both kinds of rights may be forfeited by the citizen through his own bad conduct. Evidently political rights are subordinate to civil rights. Men participate in govermental affairs as a means of securing the great ends for which civil society exists. But the great point is this—republican government can be carried on successfully only when the mass of the citizens make their power felt in political affairs; in other words, perform their political duties. To vote in the interest of good government, is an important political duty that the citizen owes to the state. Still other political duties are to give the legally constituted authorities one's moral support, and to serve the body politic when called upon to do so. These duties grow out of the corresponding rights, and to teach them is an essential part of sound education.

It has been remarked that good government rests upon the facts of human nature and society, that such a government is a complicated machine, and that it is an interesting subject of study. It is also to be observed that the successful operation of such a government calls for high intellectual and moral qualities, first on the part of statesmen and public men, and secondly on the part of the citizens themselves. There are examples of an ignorant and corrupt people enjoying measurable prosperity under a wise and good monarch; but there is no example of a democratic or republican state long prospering unless there is a good standard of intelligence and virtue. This is one of the lessons that Washington

impressed in his Farewell Address: "In proportion as the structure of a government gives force to public opinion, it is essential that public opinion shall be intelligent."

Government deals with man in his general or social relations. Robinson Crusoe living on his island neither had, nor could have had, a government. Man is born for society; or, as Aristotle said, "man has a social instinct implanted in him by nature." Again, man is political as well as social; or, as Aristotle says, "man is more of a political animal than bees, or any other gregarious animal." Hence the same writer's famous maxim, "Man is born to be a citizen."

These last remarks bring before the mind, as a subject of study, man in his relations to his fellow men. The study of man in these relations has both practical and disciplinary value. At first man is thoroughly individual and egotistical. The human baby is as selfish as the cub of the bear or of the fox. There is no more exacting tyrant in the world. No matter at what cost, his wants must be supplied. Such is his primary nature. But this selfish creature is endowed with a higher, an ideal nature. At first he knows only rights, and these he greatly magnifies; but progressively he learns, what no mere animal can learn, to curb his appetites, desires, and feelings, and to regard the rights, interests, and feelings of others. To promote this process, as we have already explained, government exists. In other words, the human being is capable of learning his relations to the great social body of which he is a member. Mere individualism, mere egotism, is compelled to recognize the force and value of altruistic conviction and sentiment. And this lesson, save alone his relations to the Supreme Being, is the greatest lesson

that man ever learns. The whole field of social relations, which is covered in a general way by Sociology, is cultivated by several sciences, as ethics, political economy, and politics; but of these studies politics or government is the only one that can be introduced in didactic form into the common schools with much success. In these schools civil government should be so taught as to make it also a school of self-government.

It may be said that so much history and politics as is found in these volumes, or so much as can be taught in the public schools, does not go far enough to give to these studies in large measure the advantages that have been enumerated. There would be much force in this objection, provided such studies were to stop with the elementary school. But fortunately this is not the case. The history and the politics that are taught in the elementary school prepare the way for the history and the politics that are taught in the college and the university. Furthermore, and this is in one aspect of the subject still more important, they also prepare the way for much fruitful private study and reading in the home.

II. METHODS OF STUDY AND TEACHING.

Under this head history will be considered only so far as it is involved in politics. Our first question is, Where shall the study of government begin? The answer will be deferred until we have considered the general features of the government under which we live.

The United States are a federal state, and the American government is a dual government. Our present National Government dates from the year 1789. It was created by the Constitution, which, in that year, took the place of the Articles of Confederation. At that time the State governments were in full operation, and it was

not the intention of the framers of the Constitution, or of the people who ratified it, to supersede those governments, or, within their proper sphere, to weaken them. Experience had conclusively shown that the country needed a stronger National Government, and this the people undertook to provide. So they undertook to accomplish in the Constitution the objects that are enumerated in the Preamble.

“We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

The Constitution also formally denied some powers to the United States and some to the States; that is, it forbade the one or the other to exercise the powers so prohibited. (See Article I, sections 9, 10.) The understanding was that the mass of powers not delegated to the Union exclusively, or forbidden to the States, continued to remain in the hands of the people in their State capacities. Moreover, this understanding was expressly asserted in Article X of the Amendments.

Accordingly, the Government of the United States must be studied under two aspects, one National and one State. The case is quite different from what it would be in England or France, both of which countries have single or unitary governments. This duality makes the study more interesting, but more difficult, and suggests the question whether it should begin with the Nation or the State. The answer must be deferred until still other facts have been taken into account.

The powers that the State Governments exercise are exercised through a variety of channels. (1.) Some are exercised directly by State officers. For the most part these are powers that concern the State as a whole. (2.) Some are exercised by county officers within the county. (3.) Some are exercised by town or township officers within the town or county. (4.) Some are exercised by city or municipal officers within the city. (5.) A few fall to officers elected by divisions of townships, as road-masters and school directors.

Items 2, 3, 4 and 5 of this enumeration constitute Local government, which the people of all the States, in some form, have retained in their own hand. Here we meet a political fact that distinguishes us from some other countries, the vigorous vitality of local institutions. France, for example, although a republic, has a centralized government; many powers are there exercised by national officers that here are exercised by local officers, while there the state often asserts direct control over the local authorities. Strong attachment to local self-government, and opposition to centralized government, is one of the boasted glories of the English-speaking race. Subject to the State constitution, the State Legislature is the great source of political power within the State. The county, the township, and the city owe their political existence and peculiar organization to the Legislature.

Different States have organized local government in different ways. Speaking generally, there are three types—the Town type, the County type, and the Mixed type. The Town type is found exclusively in the New England States. It throws most of the powers of local government into the hands of the town, few into the hands of the county. The County type, which is found

in the Southern States and in a few others, reverses this method; it throws all local powers into the hands of the county, and makes the sub-divisions of the county merely an election precinct, the jurisdiction of the justice of the peace, and perhaps the unit of the militia company. The Mixed, or Compromise system, as its name implies, combines features of the other two. It makes more use of the county, and less of the town, than New England; more of the township, and less of the county, than the South. It is found in the Central States and generally, but not universally, throughout the West.

Now not much argument is needed to show that the study of government, even within the limits of the elementary school, should embrace the two spheres in which the American Government moves, the sphere of the Nation and the sphere of the State. Neither is much argument called for to show that the study of the State should embrace Local government, as well as State government proper. The argument on the whole subject divides into two main branches—the one practical, the other pedagogical.

Unfortunately, the time given to the study of government in the schools has not always been wisely distributed. For many years the National Government received disproportionate attention, and such, though perhaps in less degree, is still the case. But, important as the powers of the Nation are, the common citizen, in time of peace, has few relations with it outside of the Post Office Department, while his relations with the State are numerous and constant. President Garfield, in 1871, said: "It will not be denied that the State government touches the citizen and his interests twenty times where the National Government touches him once."

Still another point may be urged. An American State is a distinct political community. It is a separate commonwealth, having its own constitution, laws, and officers. It has its own history. The people boast its services to the country. They point to its great names. They glorify the associations that cluster about its name. They dwell upon its typical or ideal life. All this is educative in a striking sense; such an environment necessarily reacts upon the people. Who can measure the effect of the old Bay State ideal, or the Old Dominion ideal, upon the people of either State?

Once more, Local government has received too little attention as compared with State government proper. Township or county government is on such a diminutive scale that to many it seems a subject unworthy of serious study. But it is important to teach the youth of the county that their future prosperity and happiness, as a rule, will depend upon what is done by road-masters, school directors, township trustees or supervisors, county commissioners or county courts, city authorities, and the like, far more than upon what is done by the Governor or the President. The common citizen is ten-fold more concerned in the proceedings in the courts held by justices of the peace and by county judges than in the causes that are decided by the Supreme Court of the United States.

Government is fundamentally an information or guidance study. It is put in the schools to teach the pupil how to perform his political duties intelligently, when he comes to the state of manhood. In order that he may perform these duties intelligently, he must understand the nature and the ends of government, whether National, State, or Local, and the mode of its operation.

The fact is, however, that characteristic features of our government are ill understood by thousands of our citizens. The functions of the Executive and of the Judiciary are often confounded; likewise the functions of State authorities and National authorities. A multitude of citizens participate in every election of electors for President, who do not know how the President is elected. The line dividing the State sphere from the National sphere is a very hazy matter to many persons who consider themselves intelligent. Owing partly to this fact, and partly to the greater prominence of the Union, there is always a tendency in many quarters to hold the National authorities responsible for what the State authorities have or have not done. The adjustment of Local Government to the State and National Governments is another matter concerning which many are confused. Tax-payers can be found in every neighborhood who think the taxes that they pay to the township or the county treasurer go to Washington.

What has been said will suffice for the practical branch of the argument. Taking up the pedagogical branch, let us first observe the nature and the origin of the child's early education in respect to government.

It is in the family, in personal contact with its members, that the child forms the habits of obedience and deference to others. It is here that he learns, in a rudimentary and experimental way, that he is part of a social whole. Here he acquires the ideas to which we give the names *obedience, authority, government*, and the like. His father (if we may unify the family government) is his first ruler, and the father's word his first law. Legislative, executive, and judicial functions are centered in a single person. These early habits and ideas are the foundations of the child's whole future education in government, both practical and theoretical.

His future conception of the governor, president, king, or emperor is developed on the basis of the idea of his father; his conception of society, on the basis of the idea of his home; his conception of government by the State, on the basis of family government. Of course these early habits and ideas are expanded, strengthened, and adjusted to new centers.

While still young, the child goes to school. This, on the governmental side, is but a repetition of the home. It is the doctrine of the law that the teacher takes the place of the parent: *in loco parentis*. The new jurisdiction may be narrower than the old one, but it is of the same kind. The education of the school reinforces the education of the home in respect to this all-important subject. The habits of obedience and deference are strengthened. The child's social world is enlarged. At first he thought, or rather felt, that he was alone in the world; then he learned that he must adjust himself to the family circle; now he discovers that he is a member of a still larger community, and that he must conduct himself accordingly. The ideas of authority, obedience, law, etc., are expanded and clarified.

About the time that the child goes to school he begins to take lessons in civil government. This also is developed on the basis of his previous home-training. It begins at the very door-step. The letter-carrier, the policeman, the justice of the peace, and the postmaster introduce him to the government of the outer world. Some or all of these officers he sees and knows, and others he hears about. The very mail wagon that rattles along the street teaches its lesson, and so do other symbols of authority that confront him. He attends an election and hears about the caucus. As he grows older, the town council, the court of the local *magistrate*, and the constable or sheriff teach him the

meaning of the three great branches of government. His ears as well as his eyes are open. Politics is the theme of much familiar conversation to which he listens. With all the rest, he reads the newspaper, and so enlarges his store of political information.

Still other agencies contribute to the grand result. The church, public meetings, societies of various kinds, all teach the lessons of order and discipline.

Such, in general, are the steps by which the child makes his way out of the world of isolation and selfishness into the world of social activity and light. Such is the character of his early education in morals and politics. Nor is it easy to overestimate these early lessons. To suppose that the child's political education begins when he first reads the Constitution of the United States, is like supposing that his moral education begins when he is first able to follow the preacher's sermon.

All this training is unconscious and mainly incidental, and the more effective for that very reason. But such training will not meet the ends of intelligent citizenship. Nor can the political education of citizens be left to the newspaper and the political speaker. Government must be formally taught in the schools. But what shall be the order of study? Shall the child begin at Washington, at the State capital, or at his own home? In other words, shall he begin with the National Government, with the State government proper, or with Local government?

For a time the student of government should continue to work on the material that lies right about him, just as the student of geography should find his first lessons at home. On this point the arguments already presented are decisive. The practical argument shows that this will be the most useful course to pursue. The pedagogical argument shows that it is also the easiest, the

most natural, and the most successful. In general then the method should be—first, the Local Government; second, the State Government, and last, the National Government.

We have now reached a point where we can define more clearly and fully the special object of the series of books to which this is a general introduction. These books are designed for the first stage of the formal study of the subject of Government. They are written on the theory announced; viz.: that the child's political education begins at home, and should for a time proceed from the home outward. The series is appropriately named The State Government Series. A volume will be given to a State. The successive volumes will first present an outline sketch of the civil history of the State, and then outline sketches of the State and National Governments as they now exist and operate.

With two or three practical suggestions to teachers, this Introduction may fitly close.

The first of these suggestions is that if the proper course be taken, the study of the National system will not be deferred until the pupil has made a complete survey of the State System. The State system can no more be understood alone than the National system alone. When the intelligent pupil is old enough to take up one of the volumes of this series, and particularly a boy, he will already have made some progress in discriminating the two systems. He will know that Congress and the President belong to the Nation, the Legislature and the Governor to the State. But at the outset it may be advisable for the teacher to broaden and deepen this line division. This can be done, if need be, in one or more oral lessons devoted especially to the subject. Moreover, the teacher should keep an eye on this line from *first to last*. He should encourage the pupil to read the

Constitution of the United States, and in particular should direct his attention to the general powers of Congress as summed up in Article I, section 8, which are the driving wheels of the National Government.

The second observation is that unremitting care must be taken to make the instruction real. The common-places about the abstractness and dryness of verbal instruction, and particularly book instruction, will not be dwelt upon, except to say that they apply to our subject with peculiar force. The study of history, when it is made to consist of memorizing mere facts, is to the common pupil a dry and unprofitable study. Still more is civil government dry and unprofitable when taught in the same manner. There is little virtue in a mere political document or collation of political facts. The answer that the school boy made to the question, "What is the Constitution of the United States?" is suggestive. He said it was the back part of the History that nobody read. Hence the book on government must be connected with real life, and to establish this connection is the business of the teacher. On this point three or four particular suggestions may be made.

The teacher should not permit the Governor, for example, to be made a mere skeleton. He should see rather that he is made to the pupil a man of flesh and blood, holding a certain official position and exercising certain political powers. It is better to study the Governor than the Executive branch of the government; better to inquire, What does the Government do? than, What are the powers of the Executive?

The teacher should stimulate the pupil to study the political facts about him. He should encourage him to observe the machinery of political parties, the holding of elections, council meetings, courts of local magistrates, and the doings of the policeman, constable, and

sheriff. This suggestion includes political meetings and conversations upon political subjects. By observation an undue personal attendance upon such proceedings is not meant. To that, of course, there might be several objections.

Pupils in schools should be encouraged to read the newspapers, for political among other reasons. The publications prepared particularly for school use to which the general name of "Current Events" may be given, are deserving of recommendation.

Still another thought is that the study be not made too minute. It should bear rather upon the larger features of the special topics. This remark is particularly applicable to the judiciary, which nearly all persons of ordinary education find more or less confusing.

The suggestions relative to observation of political facts are peculiarly important in a country like our own. To understand free government, you must be in touch with real political life.

In teaching Civil Government, the first point is to develop Civic Spirit—the spirit that will insist upon rights and perform duties.

The last word is a word of caution. The method that has been suggested can easily be made too successful. Our American atmosphere is charged with political interest and spirit; and, while the pupil who takes a lively interest in current politics, as a rule, will do better school work than the pupil who does not, the teacher must exercise care that partisan spirit be not awakened, and that occupation in current events do not mount up to a point where it will interfere with the regular work of the school.¹

B. A. HINSDALE.

University of Michigan, 1895.

HISTORY
AND
CIVIL GOVERNMENT OF MISSOURI

CHAPTER I

HISTORICAL SKETCH OF MISSOURI.

1. Early Adventurers. The history of Missouri begins many years before the location of its boundaries as a state. Explorers and adventurers found their way into this region long before its first permanent settlement was established. Their attempts at discovery and exploration served only to give the people of other sections information about its soil, climate, natural productions, and other resources.

2. De Soto was the first white man to touch the soil of Missouri. It was in 1541, when he was on his adventurous expedition hunting for gold and silver and precious stones. He crossed the Mississippi river near where the city of Memphis now stands. Taking up his march to the northward, he finally entered the state of Missouri near New Madrid county. Changing his course to the westward, he penetrated the state to a distance of about two hundred miles; but finding nothing to gratify his

desire for gold or for conquest, he turned to the southward and passed into the state of Arkansas.

3. In 1673, Joliet and Marquette, enthusiastic French explorers, dropped down the Wisconsin river and entered the Mississippi on an exploring expedition. They descended the "great river" until they reached the mouth of the Arkansas, being "feasted by the natives at different points with hominy and dog-flesh." They returned without attempting a permanent settlement, but they noted the soil and other favorable conditions, and gave a glowing account of the country.

4. Following Joliet and Marquette came La Salle in 1682, who extended his explorations to the mouth of the Mississippi river. He took possession of the country in the name of his king, Louis XIV., for whom and in whose honor he called it Louisiana. This was the origin of the claims of France to a large scope of country west of the Mississippi. France did not hesitate to take advantage of the opportunities thus opened up to her and she became very active in pushing her colonization schemes. Many settlements were projected along the rivers, and even in the interior of the territory now embraced in Missouri. Numerous trading posts were also established, but as a rule these were short-lived.

5. Permanent Settlements. About the middle of the eighteenth century the first permanent settlement was made by the French at Ste. Genevieve. The date seems not to have been definitely fixed as it is variously given by different authors as 1735, 1755 and 1763. The second is probably the correct date. These early inhabitants engaged, for a time, in trading with the Indians and

in working the rich mines of lead which had attracted attention. Says a recent writer: "It is interesting to note that these pioneers from France settled in Missouri on account of the richness of the lead mines they discovered in it. Their foresight did them unlimited credit, and although a century elapsed before any one began to make a fortune out of Missouri lead, the possibilities in this direction are now fully appreciated."

6. In 1764 the city of **St. Charles** was founded, where the first forts were built and where many Indian wars and massacres took place.

7. In the same year the city of **St. Louis** was founded by **Pierre Laclede**, who was at the head of a company engaged in traffic with the Indians. For a number of years the fur-trade at this point was very extensive, the annual value amounting to \$200,000.

8. Spanish Rule. In 1762 the territory was transferred by treaty from France to Spain, though Spanish rule did not actually begin until 1770, as up to that time "no action had been taken by that country to claim her own." The ruling power seems to have adopted a just and liberal policy toward the inhabitants, and as a consequence immigration increased rapidly and many new settlements were made. A systematic survey of the lands was begun and the surveys formerly made by the French were confirmed. While the people were uneducated, yet they were moral and industrious, and respected one another's rights. "There were no statutory laws; no trades nor professions; no courts, no prisons. The priests were the instructors and judges in all matters of learning and religion." This Spanish rule continued for about thirty-

eight years, and it is a period noted for great peace and prosperity among the people.

9. The French Again. In 1800 France again came into possession of the territory she had ceded to Spain in 1762. Napoleon took immediate steps toward establishing a strong military colony at the mouth of the Mississippi; but it is supposed that "a fresh quarrel with England changed the plans of the French emperor." After three years' time, he offered to sell the entire Louisiana territory to the United States.

10. The Purchase. The representatives of the United States government accepted the terms of Napoleon, and in 1803 Louisiana was purchased for the sum of \$15,000,000, one-fourth of which was afterwards remitted because of certain damages to the trade of Ohio for which the French were held responsible.

11. The United States thus acquired 900,000 square miles of territory and added thereby about one-third of its present area,—including all the country between the Rocky mountains and the Mississippi river, except a part of Texas, Kansas, New Mexico and Colorado.

12. The country now known as Missouri was first held by the Indians; then it was claimed by the French by right of discovery; then came the Spaniards, through whom the French again acquired it; and in 1803 it was purchased by the United States.

13. The census of 1800 gave to St. Louis, 925; to St. Charles, 875; to Ste. Genevieve, 949; to New Madrid, 782, and to the entire state, 6,028.

14. Missouri as a Territory. Immediately after the transfer of Louisiana to the United States it was divided

into two parts. That now embraced by the state of Louisiana was called the **Territory of Orleans**, and to the remainder was given the name of the **Territory of Louisiana**. Steps were at once taken looking toward their organization for the purposes of government. The latter territory, which included Missouri, was at first attached to Indiana, but was afterwards separated by Congress on petition of the people, and erected into a territory of the lowest grade. A governor and three judges were appointed who were to make the laws for the government of the people. The country continued to attract the attention of settlers and many advanced movements were inaugurated. The first newspaper west of the Mississippi river, known as the **Missouri Gazette**, now the **St. Louis Republic**, was established at St. Louis in 1808. A bank was organized, steamboats were built, and the people began to provide for the education of their children by the establishment of good schools. By act of Congress in 1812, Louisiana was advanced from a first to a second grade territory with a territorial legislature, and the name was changed to **Missouri**. In 1816 Missouri was erected into a territory of the highest grade, and two years later the territorial legislature applied to Congress for admission into the Union.

15. Her Admission. A bill was at once presented to admit the territory of Missouri, but a proposition being made to prohibit slavery within the jurisdiction of the new state, a heated and angry discussion arose which involved nearly every phase of the slavery question. These debates in Congress continued for about three years, while the people were divided in opinion. But in 1820

Congress agreed to a measure known as the **Missouri Compromise**, which permitted the admission of Missouri as a slave state. The bill also prohibited the extension of slavery north of latitude thirty-six degrees and thirty minutes—the southern boundary of Missouri—in the admission of new states. Slavery was allowed also south of this line. The compromise was quite generally accepted by the people as a wise measure, and it remained in force until 1856. The conditions were readily accepted by the people of Missouri who proceeded at once to frame a Constitution and to organize the state by the election of state officers. But this constitution had to be ratified by Congress and that body raised an objection to a clause which prohibited "free negroes and mulattoes" from settling within the state. This delayed the formal admission of the state until 1821, the President of the United States issuing his proclamation on the 10th day of August of that year.

16. The population of Missouri had increased from about 20,000 in 1810 to 66,000 in 1820.

17. The state was admitted with its present boundaries, with the exception of what is known as the **Platte Purchase**, which was added in 1836, and embraced the counties of Andrew, Atchison, Buchanan, Holt, Nodaway, and Platte.

18. Beginning as a State. It will be seen from what has been said that state officers had been chosen before Missouri had been admitted as a state. **Alexander McNair** was the first Governor, and William H. Ashley, of St. Louis, was the first Lieutenant-Governor. The General Assembly was composed of fourteen senators and

forty-three representatives. **David Barton** and **Thomas Hart Benton** were the first United States Senators, and **John Scott** of Ste. Genevieve was the first Congressman from the state. The first Supreme Court was composed of **Mathias McGirk** of Montgomery county, **John D. Cook** of Cape Girardeau, and **John Rice Jones** of Pike county. **Rufus Easton** was the first postmaster of St. Louis and afterwards became the first Attorney-General for the state.

19. Intermediate Period. Once thoroughly organized as a state, Missouri seems to have made rapid and satisfactory progress until about the time of the civil war. The population increased, public roads were constructed, cities and towns grew up as the needs of the country demanded, and other public improvements were inaugurated. Farms were cleared, better homes were built, and many improvements were made in agricultural methods.

20. In 1849, the construction of the **Missouri Pacific Railroad** was authorized, and in the following year the work of building the road began. Following this came the Iron Mountain, the Wabash, and the Hannibal and St. Joseph, each of which received aid from the state. During this period the **Mormon** troubles arose in the western part of the state, and at a later time came the troubles on the Kansas border, which grew out of the slavery agitation. The capital was at St. Louis during the territorial period, but in 1821 it was located at **St. Charles**, and in 1826 it was removed to **Jefferson City** where it has remained until the present time.

21. Civil War Period. The disastrous effects of the

civil war were felt in Missouri. While the consequences to her have not been so serious as in other states of a larger slave population, yet there was much destruction of property, serious loss of life, and much hardship endured by her people during its continuance. Many of her citizens took an active part in the conflict by taking up arms in support of their convictions.

22. In January, 1861, a bill was passed by the General Assembly creating a convention to be composed of delegates selected by the people, with power to consider the relations of the state to the United States, and to the governments of the different states. A majority of the delegates selected were opposed to secession. The convention met in Jefferson City in the latter part of the month of February, but adjourned, after organization, to meet in St. Louis on the following fourth of March. In a few days after reassembling, a resolution was passed in favor of maintaining the union of the states. A strong position was taken also against coercing the seceded states, the opinion being that such a course would plunge the country into war. The intention at this time was to maintain a position of neutrality. But as Governor Jackson and the National authorities could not agree upon the terms of this neutrality, war was declared "and the state became a battlefield for the contending parties." On the 17th of June, the first battle was fought between the state and the National troops at Boonville, with the victory upon the side of the latter. Governor Jackson had taken charge of a large force of men with a view to resisting the attacks of the opposite side. The convention met again, this time in Jefferson City, on the 22d of

July ; declared the office of Governor vacant and appointed Hamilton R. Gamble to fill the place ; removed the Lieutenant-Governor and appointed Willard P. Hall in his stead ; took general control of the entire state government, calling elections and prescribing qualifications of voters, and doing many other things that could be justified only upon the grounds " of military necessity."

23. Of course this contest in the state cannot be followed up in all its details, as the limits of this sketch will not admit of such discussion. Important battles were fought at **Wilson's Creek**, **Lexington**, **Pea Ridge**, **Pilot Knob**, **Kirksville**, **Centralia**, and other points. During the war some 450 battles and skirmishes were fought within the state. As to the number engaged on each side during the time, Perry S. Rader, in his " History of Missouri," says that the grand total of men furnished by Missouri to Jackson and the Confederate service, did not exceed 40,000. " But the number of Union enlistments," says he, " reached the magnificent array of 109,111 men, which was 33,000 more than the number furnished by Iowa, 89,000 more than by Kansas, and three-fourths as many as Massachusetts."

24. The " **Drake Constitution**," the " **Test Oath**," the " **Registration Act**," and " **Negro Suffrage** " were thèmes which occupied the attention of the people for a time immediately following the close of the war.

25. But the white Wing of Peace began now to hover down closer and closer over the people ; men and women forgot some of their bitternesses, and all again turned their attention to those things which make for enjoyment and prosperity. The farmer repainted his house and barn,

reset his fences, and cleared out the "sprouts" that had taken possession of so many of his fields. The minister returned to his pulpit, the teacher to his schoolroom, and the lawyer to his office. The judge again occupied his bench, the merchant displayed his goods and wares, while the smith was ready to shoe a horse or sharpen a plow. Prosperity returned and Missouri was herself again.

26. Missouri To-day. Missouri contains an area of 69,415 square miles, which is divided into 114 counties and the city of St. Louis. Her population, as given by the census of 1890, is now 2,679,184. She has more than 6,000 miles of railroad and her taxable wealth exceeds nine hundred million dollars. Her surplus productions amount in a single year to more than \$125,000,000. Her lead mines have attracted capital from many states, and iron and zinc are found in untold quantities. There is an abundance of coal within easy access, and her granites, marbles, and other varieties of valuable stones are attracting attention and yielding an immense income to their owners. Her system of government is wise and conservative. Her people have aimed at genuine progress in the introduction of new measures and in making changes in existing institutions. Education has been fostered, and the people avail themselves of the means of instruction. Her first constitution provided for schools for the gratuitous education of the poor; while her present constitution requires that public schools shall be established and maintained "for the gratuitous instruction of all persons" between the ages of six and twenty years.

27. The soils of Missouri are of a great variety and their products are numerous and valuable. Among these

are wheat, corn, and oats; hay of various kinds; apples, pears and peaches, and an infinite variety of small fruits.

28. Constitutions. The state has had three constitutions. The first was in force from the time of the organization of the state as such until 1865. The second, known as the "Drake Constitution," or the "Draconian Code," was in force from 1865 until 1875, when the present constitution was adopted. It is to this and to the laws of the state that we direct your attention in the succeeding chapters of this book.

29. Boundary. Missouri "is bounded on the east by the Mississippi river, on the south by the lines 36° and $36^{\circ} 30'$ of north latitude, and on the west by the meridian which passes through the mouth of the Kansas river at latitude $39^{\circ} 7'$, and longitude $94^{\circ} 37'$. Thence the boundary line follows the Missouri river in a northwesterly direction to a point at about latitude $40^{\circ} 34\frac{2}{3}'$, longitude $95\frac{2}{3}^{\circ}$. This is the northwestern corner of the state, and thence the northern boundary line extends eastward approximately along the line of the same latitude to the Des Moines river, longitude $91\frac{3}{4}^{\circ}$ and along this river to its junction with the Mississippi River.

30. Jurisdiction. Constitution: The state shall have concurrent jurisdiction on the river Mississippi, and every other river bordering on the state, so far as said rivers shall form a common boundary to this state and any other state or states; and the river Mississippi and the navigable rivers and waters leading to the same, shall be common highways, and forever free to the citizens of this state and of the United States, without any tax, duty, import, or toll therefor, imposed by this state.

CHAPTER II

CIVIL GOVERNMENT OF MISSOURI

INTRODUCTION

31. Necessity for Government. Organized government is necessary to man's welfare and success. He needs the protection and assistance of his fellows. Out of his relations and needs have grown systems of government. A diversity of interests gave rise to the need for some central authority. Hence, laws have been made which define the rights of citizens, prescribe their duties, and assess penalties for their violation. But government is not only necessary to the protection of rights, but it is essential also to the general good. Dr. Andrews says : "Science and art are to be fostered, education is to be encouraged, civilization is to be advanced. Government has thus more to do than to restrain violence, to redress wrongs, and to punish the aggressor."

32. Two-Fold System. In the United States, government is of a two-fold character—State and National. It has been said that these two systems are "two parts of one and the same government, two complementary parts of a single system." Each has its peculiar sphere of action, and performs a separate function.

33. National Authority. The national government has a separate and distinct organization, and is concerned

with matters which are of common interest to the states and the people. It does not depend upon the state authorities to execute its provisions, but national officers are appointed whose duty it is to serve the nation. They collect the internal revenue, receive the tariff taxes, administer the pension laws, manage the postal system, regulate the finances, and conduct the business with foreign nations.

34. State Authority. Without conflicting in the least with the national government, there are also the separate civil systems of the various states, which are concerned with local affairs; with questions which do not involve the rights or interests of citizens of other states. The powers not delegated to the United States nor denied to the states are reserved to the states and to the people. The state provides for the protection of property and the safety of its citizens. It provides for education and takes care of its poor and unfortunate citizens. It punishes crime, guards the enforcement of contracts, and makes such internal improvements as are demanded by the general interests of its communities. Its legislation is limited to the interests within the borders of the state and its courts are occupied with matters bearing upon the violation or interpretation of local laws. State government, then, stands very close to the people and regulates their social and legal relationships.

35. Objects. The principal objects of government may be briefly stated as follows:—

1. To secure complete justice to all citizens.
2. To protect the person and property of the citizen.
3. To insure peace and tranquillity among the people.

4. To provide the means of protection against foreign aggression.

5. To promote those things which are for the common welfare.

6. To "secure the blessings of liberty" to the people.

36. Constitution. The constitution of a state is its fundamental law. It is the organic law to which all laws made by the General Assembly must conform. It includes the general principles and directions according to which the people are to be governed. A law which violates any of its provisions is null and void.

37. How Made. It is drafted by a convention of delegates chosen by the people for that purpose. The convention is presumed to represent the views and desires of the citizens of the state.

38. Contains What. The constitution is general in its provisions, including only fundamental laws and principles. The constitution of Missouri contains fifteen articles, divided into three hundred sections or paragraphs. It gives the bill of rights, prescribes the qualifications, duties, manner of election, powers, and term of office of senators, representatives, and state officers; gives the methods and limitations of legislation; establishes state courts, and prescribes the qualifications, duties, powers, distribution, and election of judges of the various grades of courts. Rules are given concerning the organization and government of villages, towns, and cities. Suffrage, revenue, education, militia, and corporations, with a few other topics, receive attention also.

39. How Adopted. When a state is admitted into the Union, Congress must ratify its constitution, after its

adoption by the people, before it has any binding force; but if a state desires to change its constitution, the draft of the new instrument as constructed by the convention, must be submitted to the people for their approval. Missouri has now her **third constitution** which was adopted by a vote of the people on the thirteenth of October, 1875.

40. Amended or Revised. Each constitution provides for its own amendment. There are two methods by which amendments to the constitution of Missouri may be proposed; (1) the General Assembly may propose amendments, and (2) the General Assembly may authorize a vote of the people to be taken upon the propriety of calling a convention for the purpose of revising or amending the constitution. But in either case the amendment must be ratified by a vote of the people before it becomes a part of the constitution. The former method is generally used when minor changes are desired, and the latter when it is proposed to reconstruct and materially change many of its provisions.

41. Knowledge of Government. Every citizen should have a knowledge of the principles of government. Certain duties are imposed upon him, and certain rights are granted to him. He has a voice in the choice of public servants and officers. His own personal safety and his own business interests demand that he should acquaint himself with republican institutions. The people are the sovereigns. Dr. J. H. Seelye says in his work on Citizenship: "The history of the United States is conspicuously other than the history of its great men. It is the history of the people and their movements as

they have been led by inspirations, of which the great leaders of the people, as we call them, have often been less conscious at the first than the people themselves. Our great leaders have not moulded, but have been shaped by the public opinion of the nation. They have been trusted and followed only as they have been able to see the real movement of the people and to put themselves in its van. Whenever the real movement of the people has been real and deep, it has been irresistible. Men who have sought to stem it have been swept away or engulfed by the rising tide. The great changes in our national life have been brought about by what we can only call the instinct or the inspiration of the people. They have not come from anybody's conscious plan or purpose."

42. The Present Discussion. In this work we shall consider the principles of local government as exemplified in the laws and constitution of Missouri. National government will receive attention only in so far as it bears upon the rights, duties, and privileges of citizens of the state. Commencing with the family, the discussion proceeds to the school district, the township, the county, and the state in logical order. Villages, towns, and cities are taken up in the proper place, and the practical questions of suffrage, elections, and party management are given due consideration.

43. Stimulating Questions. 1. Should the national government purchase and manage the railroads?
2. What is meant by a centralized government?
3. What good reasons can be given for government control of the telegraph?

CHAPTER III

THE FAMILY

44. Importance. The hearthstone is the cornerstone of the state, and the family is the nursery of the nation. "Historians do not agree," says Macy, "as to the exact process, but all admit that from the family have come the institutions of civil government." "The family, then," says Wilson, "was the primal unit of political society, and the seed-bed of all larger growths of government." "The state is nothing more than an aggregation of families," says another. "Family government is the original model of state authority, discipline, and punishment." The family is more or less closely connected with all secular institutions. Its influences prepare for good citizenship.

45. Influence. The family is society in miniature, an embryo state, each member having duties and possessing rights and enjoying privileges. Family training and discipline prepare for state duties. Its lessons direct the conduct of the individual in his intercourse with his fellows. "It is in society," says Carlyle, "that man first feels what he is; first becomes what he can be. In society an altogether new set of spiritual activities are evolved in him, and the old immensely quickened and strengthened." Here in the family the child learns to make sacrifices, to suffer privation, if need be, and to respect the needs and

desires of others. The family should be the source of good influences, teaching honesty, sobriety, diligence, patriotism, and religion.

46. Purposes. Primarily the family exists for the profit and enjoyment of its members. The children need the stimulating and corrective influences of the home. In the next place, the perfectly managed home fits its members for a variety of services.

47. Rights. There are certain rights which each member may justly claim. Each has a right to the protection that can be given by the others. Mutual and reciprocal respect for each other should be a characteristic quality. The children should be fed and clothed, trained and educated. They should be granted opportunities for proper enjoyment and the restraints imposed should not be unreasonable. The parents have a right to claim the love and respect of the children and to demand obedience on their part.

48. Duties. Each has duties. Each must assist in bearing the burdens of life so far as it lies within his ability. Sympathy with the sorrowing ones, encouragement in times of disappointment, and fidelity to family interests are imperative duties. Each will care for the sick, and make personal sacrifices for the relief of the needy ones. It is the duty of each to sacredly keep in confidence such matters as do not concern others, and such matters as protect the good name and standing of the family. The parent should love, guard, maintain, govern, and educate the child. The child, on the other hand, should love, reverence, and obey the parent. As the parent has cared for and protected the child in its

helpless years, so when old age or misfortune comes on and the parent can no longer provide for himself, the dutiful and appreciative child will supply him with the comforts and necessities of life and render his declining years as pleasant as possible.

49. The Parent. The parent is the immediate source of authority. He makes and executes the rules and laws of family government. He manages and plans the business affairs and is held responsible for providing the living. To the parents the children look for advice and aid in times of perplexity and trouble.

50. But the influence of the family is not circumscribed by the limits of the home. It reaches in the direction of state government, preparing for civil and political duties in many ways. The patriarchal governments of old existed before states and nations. And to-day the family "lies at the foundation of all good government." Whenever the home does its duty, there can be little fear of danger to the nation from unruly elements.

51. The Family Teaches Submission to Authority. This is a lesson the child must learn in order to become a good citizen. He is brought to realize the necessity of submission. Before he is aware he recognizes constituted authority, and yields a willing obedience to it. Every well-ordered family has its rules which must be obeyed by each member, otherwise confusion and discord would be the inevitable result. In addition to these quiet influences, the child is instructed in his relations to the state and the law. He is taught that the state demands certain things of him and that it is absolute in its authority. He finally realizes that he is but one among many members

of society, that the rights of all must be respected, and that it is often necessary for the good of the whole that the interests and desires of individuals shall be sacrificed. Correct teaching and training in the family will never produce anarchists, but must, on the other hand, develop law-abiding citizens.

52. The Family Teaches Habits of Industry. Indolence is frequently the source and inspiration of lawlessness. Idleness is said to be the mother of vice. Some member or members must provide a living, and a rightly-ordered family is the home of industry and diligence. Each does his part in working out the problem of continued existence. He who learns the lessons of labor under the parental roof will meet the demands of his own home and of the government under which he lives.

53. The Family Teaches the Duties of Citizenship. What parent does not instruct his child in the duties which arise from his relations to the civil authority? The duties of the voter and his responsibilities, the influence of each citizen in the preservation of good order, and the nature and bearing of the various questions which present themselves for solution at different times, are topics which receive candid consideration around the family circle.

54. Lawlessness may Have its Root in the Lack of Family Discipline. The child who does not learn to respect the law of the family will not yield willing obedience to the law of the state. Disrespect for home restraints will develop open opposition to the rights of society. If the homes of the people are lawless, society and state must suffer.

Illustrations. The formative influence of the family upon society may be seen in many reforms and changes that have been brought about. The spontaneous thought of the people is often expressed in the law or illustrated in social customs. Opinions which originate around the fireside may become the sentiment of the community and the state, and modified and improved, they may find a place among the statutes. The wonderful growth of the temperance sentiment is a case in point. "Fifty years ago wine drinking was very generally practiced even by ministers and church members." "Log-rollings," "huskings," "house-raisings," and other rural gatherings were incomplete without wine or brandy. But now "the possibility of returning to the old order is not even admitted." The demand for public school instruction has likewise been rapid in its growth. At first the needs of the poor only were considered, but now schools are provided for all classes. While the individual family may not be known in the general summary of sentiment upon any one question, yet each has unconsciously acted its part and added something to the final result.

55. Stimulating Questions.

1. Is the family a divine or a human institution? Prove your position.
2. Name some of the moral lessons taught by the mother.
3. What effect does the life of a wicked father have upon his children?
4. Would a patriarchal government be possible in this country?
5. What are some of the duties which the older children owe to the younger?

CHAPTER IV

THE SCHOOL

56. Purposes. The general purpose of the school so far as the state is concerned, is the preparation of the children for the duties of citizenship. Education develops power to think, trains to correct conduct, and prepares in many ways for better living. Spencer says: "To prepare us for complete living is the function which education has to discharge." Proper educational training develops character,—well-rounded and symmetrical character,—which insures in the citizen those elements demanded by the best interests of the state. Painter says: "In its essential nature, education aims to develop a noble type of manhood." Correct knowledge and good mental power, with moral and religious force to direct them, give a reasonable assurance of future usefulness. Thus the interests of the individual are served and the demands of the state are met.

57. Necessity. Ours is a government of the people, for the people and by the people, and hence the necessity for a general diffusion of knowledge. An ignorant people are not fitted to exercise the responsible duties of such citizenship. Self-government is impossible without intelligence. The state accepts the obligation of providing for the education of all the children. As it demands

intelligence, it provides the means for its acquirement. As it demands training and skill in all matters which bring the individual in contact with the state, it has placed within the reach of each the means of acquiring them. State education is now recognized as a necessity, and every commonwealth in the Union has a system of public schools.

58. Districts. In order to reach the masses in a systematic way, provision has been made for the establishment and organization of school districts. These districts possess legislative, executive and judicial power, the school officers being clothed with all needful authority. They are the organized means through which the school system of the state is administered. It is through them that the public money is distributed. An unorganized district cannot secure any part of the public funds.

59. Shape. The school districts are usually more or less irregular in shape, the boundary lines being determined largely by questions of local convenience. The law prescribes the manner by which these boundaries may be changed at any time to suit the interests of the people. A school-house is located in each district and the children of that district have a right to the benefits of the school free from cost. Under such conditions as the school board may adopt others may be admitted to the privileges of the school.

60. Powers of the People. The school interests are managed by officers selected by the people for that purpose. The qualified voters of each district have been vested with important powers. These are exercised at the annual meeting which is held at the school-house on

the first Tuesday in April. The following is a summary of these powers as they have been gleaned from the school law of the state:—

1. To organize by the election of a chairman and a secretary.
2. To choose by ballot one director who shall serve for three years.
3. To fill vacancies in the school board, if any exist, for the unexpired term.
4. To determine, by ballot, (1) the length of the school term in excess of six months, and (2) the rate, if any, in excess of forty cents on one hundred dollars.
5. To vote money for the purchase of books for a district library. This is a power that ought to be exercised more frequently.
6. To decide upon proposed changes in the boundary lines of the district, fifteen days' notice having been given before the annual meeting.
7. To direct the sale of property no longer needed for school purposes, and to determine what disposition shall be made of the proceeds.
8. To vote, by ballot, for county school commissioner. This will occur only on the odd years, 1895, '97, etc.
9. To determine the levy for the purchase of a site, the erection of a school-house, or the furnishing of the same. In order to increase the levy for these purposes, the school board must submit the proposition to the voters of the district, giving fifteen days' public notice.
10. In newly formed districts, to determine the site of the school-house.

11. To change the school-house site. A majority vote of the legal resident taxpaying voters is necessary to move it toward the center of the district, while a two-thirds' vote is required to change it from the center.

61. A public notice is required to increase the levy for school purposes, to change the boundary for any purpose, to vote a direct tax for building purposes, to select a school-house site, to vote a loan for building, or to consider any special proposition.

62. **Qualifications of Directors.** The persons selected as members of the board of directors must possess certain legal qualifications. They must be (1) citizens of the United States, (2) resident tax-payers, (3) qualified voters of the district, and (4) they must have paid a state and county tax within one year preceding the election.

63. **Duties of the School Board.** The board should administer the affairs of the district with an eye single to the best interests of all concerned. The idea of personal advantage to self, or friend, or relative should not influence their course in the least particular. But there are certain duties given them and certain powers conferred upon them by the school law.

1. The school board is required to continue the schools of their district for a period of six months, if a tax of forty cents on the one hundred dollars together with other funds shall be sufficient to pay the expense.

2. The board is authorized (1) to borrow money for building and furnishing the school-house after the same has been ordered by a vote of the people, (2) to issue renewal funding bonds, (3) to sell or exchange these bonds, (4) to provide a sinking fund, (5) to levy a tax for

the payment of the annual interest, (6) to forward to the county clerk estimates of funds required by law or ordered by the annual meeting, and (7) to submit to a vote of the district any increase in the rate of taxation.

3. It is the duty of the board to employ legally qualified teachers to take charge of the schools. The contract must be made by the order of the board, and must be signed by the teacher and the president of the board, attested by the clerk. The board can not discharge a teacher for incompetency or immorality so long as his certificate has not been revoked by the county commissioner.

4. The board may provide for the admission of non-resident pupils, and must make all needful rules and regulations for the organization, grading, and management of the school. If the board fails to make needful rules, the teacher has the right to make them. All rules and regulations must be reasonable and needful, and pupils may be punished for their infraction.

64. Vacancies in the Board. Vacancies may occur in the office of director by death, resignation, refusal to serve, repeated neglect of duty, or removal from the district. In all cases of vacancy it becomes the duty of the remaining members to select some one to fill out the unexpired term. In case they cannot agree, the commissioner of the county must make the appointment.

65. School Funds. This work of organizing and managing the schools of a great state involves the expenditure of a large sum of money. Without some definite system of raising revenue the expense could not be provided for. But Missouri has a number of sources

of revenue, and her permanent school fund is one of the largest in the country. There are four permanent funds, besides the money raised by local taxation and by legislative appropriation.

66. State Fund. This fund had its beginning in the early history of the state, the saline land grants forming its nucleus. Among the sources of this fund are, proceeds from the sale of lands given to the state by the United States; other school funds not belonging to the counties, townships, cities, or towns; proceeds from the state tobacco warehouse; other moneys accruing to the state by escheat, from unclaimed dividends, or from gift. A part of this fund is invested in the bonds of the state and of the United States; and a part is secured by certificates of indebtedness against the state. Only the income from the fund is used.

67. County Fund. Each county has a permanent school fund which must be kept securely invested by the county court. It is increased annually by the proceeds from the sale of estrays, the clear proceeds of forfeitures and penalties, the fines collected for any breach of the penal or military laws, and by money paid for exemption from military duty. Only the interest arising from this fund is distributed to the various districts of the county.

68. Township Fund. The act authorizing the people of Missouri to form a state constitution with a view to her admission into the Union provided that the sixteenth section of every township should be set apart for the use of the schools of the township. Most of these lands have been sold, and the proceeds invested by the county courts as in the case of the county funds. The court

must keep separate accounts of the funds of each township, and distribute the income annually to the schools of the respective townships.

69. Special District Fund. This fund arises from "grant, gift, devise or special legislation." It is held in trust for the respective school districts.

70. The above are the **permanent funds** belonging to the schools of the state, and they amount at this time to a total of nearly twelve million dollars, —the largest fund of the kind belonging to any state in the Union.

71. Local Funds. But a large amount of the money expended for the support of public schools is raised by local taxation. Upon the receipt of the estimates from the various districts, it is the duty of the county clerk to assess the amount against the taxable property of said districts, subject to the following restrictions: (1) For school purposes, the regular rate is forty cents on one hundred dollars, but this may be increased in cities, towns, and villages, by a majority vote, to one dollar, and in country districts it may be increased to sixty-five cents; (2) For building purposes, the rate may be increased, by a two-thirds' vote, to the same limits as provided for school purposes. These taxes are collected at the same time and in the same manner as the state and county revenue.

72. Legislative Appropriation. The Constitution provides that the general assembly shall set apart at least twenty-five per cent. of the state revenue to the use of the public schools. For several years it has appropriated thirty-three and one-third per cent. to this use.

73. Apportionment. The state superintendent annually apportions the state school moneys to the various counties according to the number of children of school age, as shown by the returns in his office. The amount belonging to each county is certified by the superintendent to the county clerk. It then becomes the duty of the county clerk to apportion these and all other moneys for the use of the county to the various school districts. But if any district has failed to maintain a public school for at least six months during the preceding year, provided the forty-cent tax and other funds would enable it to continue the school that long, it is deprived of any part of the public fund for that year.

74. The Teacher. This chapter would be incomplete without a discussion of the teacher and his qualifications. The state has confided to the teacher very important trusts. He is to train the boys and girls for usefulness in life, to prepare them for the duties of citizenship. He is clothed with authority to govern the school to the end that he may do the work assigned him. The laws of the state support him in all reasonable demands made of the pupils.

75. Qualifications. The teacher should be free from prejudice, mild but firm, studious in his habits, and correct in his conduct. In addition to all the general qualifications which a wise board will require, there are certain legal conditions with which he must comply. He must pass a satisfactory examination upon the institute course of study as prescribed by the state authorities and make a proper grade upon the following branches: Arithmetic, language lessons, English grammar, geog-

raphy, spelling, reading, penmanship, United States history, civil government (including state government), and physiology and hygiene with special reference to the effects of alcohol, stimulants, and narcotics.

76. Training. In addition to the normal schools, teachers' institutes have been established by law in every county of the state except those that have adopted county supervision. The sessions of the institute continue from two to four weeks, and in addition to the work done in the common branches, instruction is given on the professional phases of the teacher's work. The institute is under the general control of a county institute board composed of the county commissioner and two other persons appointed by the county court. This board employs the conductor and instructors and issues warrants for the payment of expenses.

77. Licensing Teachers. The county commissioner and the conductor and instructors of the institute constitute the board of examiners who devote the last three days of the session to an examination of the teachers of the county. Three grades of certificates are issued, third, second, and first, valid for one, two, and three years respectively, in the county in which issued.

78. Text-Books. In 1891 the General Assembly enacted what is known as state adoption of text-books. By this law all public schools must use, for a period of five years, only such books in the common branches as have been adopted and contracted for by a school book commission composed of the state superintendent and four other persons appointed by the governor.

79. Village Schools. The school law provides for the organization of a common school district into what is termed a "city, town or village" district having special privileges. The proposition to thus change the organization must be submitted to the legal voters of the district at an annual or special meeting, a majority vote being necessary to decide the question. Such district is under the control of a board of six directors elected by the people for a term of three years, two being chosen each year. "When the demands of the district require more than one public school building therein, the board shall, as soon as sufficient funds have been provided therefor, establish an adequate number of primary or ward schools," dividing the district into school wards, fixing their boundaries, selecting sites, and erecting suitable buildings. The board may also establish a high school with a view to providing instruction in subjects above the common school branches. The schools must be kept open not less than seven nor more than ten months. Territory may be added to such districts by complying with the following conditions: (1) a petition signed by ten voters must be presented to the board; (2) the board must order a special meeting, proper notices being posted; (3) a majority of the voters must favor annexation; (4) if a majority of the board favor the proposition, the boundary is so changed as to include the new territory.

80. Stimulating Questions.

1. Why not leave the education of the children entirely to private enterprise?
2. Should the state maintain high schools?
3. Explain what is known as the township system of schools.

CHAPTER V

THE MUNICIPAL TOWNSHIP

81. Thus far we have considered the family and the school district as units in our system of government. We come next, in regular order, to the **municipal township** which is more complex than either. Its chief function is governmental, looking, as it does, toward matters which pertain especially to the administration of the civil law so far as it bears upon local business.

82. Purposes. A municipal township is a political division of a county, organized for the purpose of government. It must be distinguished from the **congressional township** which is a territorial division made by the land surveys. The former doubtless grew out of the needs and conditions of an early civilization, and, though its jurisdiction and powers are limited, it still serves important ends in the administration of local laws. Officers are thus distributed among the people, the burdens of government are divided, and public convenience is subserved in many ways. It provides the means for the punishment of the smaller offenses, and other executive and judicial officers are relieved of a large amount of labor. The people are better provided with the protection of the law, and citizens have at their own doors a tribunal to determine the rights of property and settle other matters of dispute.

83. Name. The townships are formed and named by the county court, the boundaries being changed, or new townships being formed, whenever the public needs may require. A significant name is given to each, as Benton, Spencer, Reno, Walnut. The court must notify the secretary of state of all changes made in townships giving names and full particulars.

84. Rights of Citizens. The citizens of a township have a right to demand the immediate protection of the township officers. All qualified voters have a voice in the selection of public servants.

85. Duties of Citizens. Each citizen should perform all the duties imposed upon him. These will include compliance with the laws concerning education, the construction and repair of highways, and other important matters of local interest. Each voter should exercise great care in the selection of public officers for the administration of the law.

86. Laws. Every division and subdivision of the state is regulated by laws made by a responsible legislative body. As a rule each division possesses legislative, executive, and judicial powers, but in the case of the township most of the laws are made by the general assembly, the county court also having a limited legislative jurisdiction.

87. Administration of the Laws. There are but two kinds of officers in the township, the justices of the peace and the constables. The duties of the former are principally judicial while those of the latter are executive. The township also forms the basis for the election districts, one or more precincts being established in each.

88. Justices. Each township is entitled to at least two justices of the peace. In case the township contains a city or town of more than two thousand inhabitants and less than one hundred thousand, it is then entitled to one additional justice. If the township contains a city of one hundred thousand inhabitants and less than three hundred thousand, it is divided into districts not exceeding eight in number, each of which is entitled to one justice of the peace. Under certain circumstances, the county court may appoint additional justices, not exceeding two in any township. The city of St. Louis contains nine districts and nine justices.

89. Election. These officers are chosen at the general elections by the qualified voters of the township, for a term of four years.

90. Qualifications. To be eligible to the office of justice of the peace, a person must be a citizen of the United States, an inhabitant of the state twelve months, and a resident of the township six months immediately preceding his election.

91. Powers and Duties. Justices of the peace have jurisdiction throughout their respective counties. They issue warrants, attachments, and subpoenas, and administer oaths. They preserve the peace, try persons for the violation of the law, and require security of those who attempt to break the peace, or who are not of good fame. They have original jurisdiction of all civil actions for the recovery of money when the sum demanded, exclusive of costs and interest, does not exceed two hundred and fifty dollars; and also of all actions for damages against railroads for injuring or killing stock

within their townships, without regard to the amount involved. In cities of fifty thousand inhabitants, they have jurisdiction in sums not exceeding three hundred and fifty dollars, and in railroad cases as stated above. They may also determine whether a person accused of crime shall be held for trial in a higher court, and in the absence of the coroner, they may also hold inquests.

92. Jurisdiction Denied. The justice of the peace cannot try an action against an executor or administrator; nor an action for slander, libel, malicious prosecution, or false imprisonment; nor can he try an action involving the title to lands or tenements.

93. The Justice of the Peace is an important local officer, a proper discharge of his duties conduced to the peace, quiet, and good order of the community. The laws relating to his powers and duties, and the rules governing procedure in his court, cover no less than fifty pages of the revised statutes of the state.

94. The Constable. One constable is elected in each township by the qualified voters thereof, for a term of two years. In case the township has been divided into justice-of-the-peace districts, then one constable is elected for each district. The city of St. Louis is divided into nine constabulary districts and elects nine constables.

95. Bond. The constable must give a bond for not less than four hundred dollars nor more than ten thousand, conditioned upon the execution of all writs directed to him, the payment of all money received by him by virtue of his office, and upon the faithful discharge of all his duties as directed by law.

96. Powers and Duties. The jurisdiction of the constable is co-extensive with the county. He may serve warrants, writs of attachment, subpœnas, and other processes, civil and criminal, and exercise such other authority as may be conferred upon him by law. He shall receive and receipt for any claims that may be tendered him for collection, and he becomes financially responsible for the amount collected.

97. Compensation. The justice of the peace and the constable are paid by fees which range in amounts from five cents to two dollars, the law fixing the compensation for each duty.

TOWNSHIP ORGANIZATION.

98. How Adopted. The constitution and statutes of Missouri provide that the people of the county may adopt what is known as "Township Organization;" that is, the various townships organize for the purpose of complete local government, the principal amount of the business being transacted through township instead of county officers. On the petition of one hundred legal voters, the county court submits the question at any general election. If a majority of the legal voters of the county, voting at the election, favor the organization, then township officers are elected on the last Tuesday in March following.

99. Powers of the Township. By the adoption of this system, the townships of the county become corporate bodies possessing the following powers: (1) they may sue and be sued; (2) purchase and hold real estate within their own limits; (3) make contracts and purchase such personal property as may be necessary to the

exercise of their powers and functions ; (4) dispose of corporate property; and (5) purchase and sell such real estate as may be necessary to secure any debt to the township.

100. Elections. Elections are held every two years, on the last Tuesday in March, at the usual places of voting, or at such places as may have been previously agreed upon.

101. Officers. The following officers are chosen to serve the people: one trustee who is also treasurer of the township ; one collector ; one clerk who is also assessor ; one constable ; two members of the township board of directors ; two justices of the peace ; and one road overseer for each road district. In townships having more than two thousand inhabitants, an additional justice may be elected for every two thousand and until the number of inhabitants reaches six thousand. A member of the township board may hold also the office of justice of the peace, and the township clerk is also clerk of the township board.

102. Eligibility. To be eligible to any office in the township, a person must be a qualified voter and a resident of the township.

103. Qualifications of Voters. Every voter at any township election must be a legal voter at the general election, and a resident of the township for sixty days preceding.

104. Duties of Officers. The township treasurer receives and disburses all money collected to defray the township expenses. He must keep an itemized account of the sources of all money received, and he can pay out money only on the order of the township board.

105. The Township Clerk has charge of the books, records and papers belonging to his office ; and he may administer oaths when necessary in township business. As clerk of the township board, he keeps a record of its proceedings ; and he performs such other duties as usually pertain to such offices.

106. The Assessor makes a list of the real estate and personal property of the township for tax purposes.

107. The Collector "gathers up" the taxes, and pays over the school and township money to the township trustee, and the state and county money to the county treasurer.

108. The Township Board is composed of the trustee and the two members chosen by the voters. This body audits the accounts of the officers for their services, except the assessor ; passes upon other demands made against the township ; and levies all taxes for road, bridge, and other township purposes.

109. Compensation. The clerk, trustee, members of the board, road overseers, judges and clerks of election, receive one dollar and fifty cents for each day actually employed in the discharge of the duties of their respective offices. The clerk and the trustee may receive fees instead of *per diem*. The treasurer, as such, receives two per cent. of all money coming into his hands up to one thousand dollars, and one per cent. for all sums above that amount. The assessor receives fifteen cents for each personal list and ten cents for each tract or lot of land assessed by him and properly entered upon the books.

110. Advantages. The present township organization law dates from 1879. The people have been slow

in adopting the system, only about fifteen or twenty counties having organized under it. Yet very important advantages are claimed for the system. The following views from the Johns Hopkins' papers on local government are of interest in this connection: "In counties having township organization the people seem for the most part to be very much attached to it. It relieves those who live in distant parts of the county from the necessity of going to the county seat on purpose to pay their taxes. The people of the township are much more interested in the improvement of the roads than is the county court, and larger levies are more readily obtained. As a matter of fact the highest levies for road purposes are said to be in the organized townships, a fact which should be borne in mind, when the expense of the township is compared unfavorably with that of the county, for such an expense is indeed an investment yielding an increased return. The county court is often indifferent to the needs of a particular part of the county. * * Under township organization it is claimed that the collection of taxes is much closer than otherwise, thus making up in part for the increased expense of the township. * * The township is a great educator in local government, which is indeed one of the highest claims urged in its favor."

111. Stimulating Questions.

1. What is the name of the municipal township in which you live?
2. In what township is the county seat?
3. Name all of the municipal townships in your county.
4. How many voting precincts are there in your county?
5. Has your county adopted township organization?

CHAPTER VI

THE COUNTY

112. The state of Missouri is divided into one hundred and fourteen counties and the city of St. Louis, each of which has a separate corps of officers charged with the administration of the law.

113. **Relation to the State.** The county is the most important division of the state, since it exercises most of the local governmental powers. Its function in state government is fundamental, as will appear as we proceed. True there are laws which are general to the state, and there are officers whose duties pertain to the state as a whole, yet the county is the organized means through which the state exercises its authority. The revenues of the state are levied and collected by the county. The county is a unit in the election system, and the state receives the returns as they are reported by county officials; representatives are chosen by counties or by districts in the county; and justice is administered through courts which have their county limits or boundaries.

114. **County Government.** County government is much more complicated than either of the divisions considered in previous chapters. It is very complete in its organization and secures to the people the general protection of the laws of the state. In Missouri, county

government is republican in form, having three departments, legislative, executive, and judicial. The county court possesses some legislative power, a number of the county officers are given executive authority, and the judicial power is vested in the courts of law.

115. County Seat. The county seat is the capital of the county, and it is usually centrally located. The official business is transacted here, and here are found the public buildings and county offices. All public records are kept at the county seat. These include deeds, mortgages, and other land records; the wills of deceased persons, and such other important court documents as may be of public interest.

116. Election. All county officers are elected by the people of the county, the election being held on the first Tuesday after the first Monday in November.

117. Official Bond. Before entering upon his duties, each officer is required to take the oath of office and to give a bond with good and sufficient security for the faithful discharge of his duties.

118. Official Tenure. All officers elected or appointed under the laws of Missouri serve until their successors are commissioned and have qualified.

119. Removal from Office. The powers and duties of each officer are prescribed by law. Any official who transcends his authority becomes liable for damages; and for failure to devote his personal attention to his prescribed duties, he shall forfeit his office and be removed therefrom.

120. Compensation. With the exception of the judges of the county court who receive five dollars per day and mileage, and the prosecuting attorney who

receives a salary and fees, the county officers are paid by fees. The amount of the fee is limited by law. Stated salaries are paid also in counties of 100,000 inhabitants.

121. The various officers of the county will be taken up in the following paragraphs, and their qualifications and duties will be given in detail.

122. County Court. The county court is composed of three judges : the presiding judge, who is elected from the county at large for a term of four years, and two associate judges who are elected from their respective districts for a term of two years.

123. Qualifications. The duties and responsibilities of the county court are such as to require careful judgment and good business ability. Important trusts are reposed in this court, and the officers composing it should carefully consider the public interests. The legal qualifications require that the judge shall be (1) twenty-four years old, (2) a citizen of the United States five years, and (3) that he must have been a resident of the county one year next preceding his election.

124. Powers and Duties. The powers and duties of this body are numerous, and they involve large interests. The county court has control of the personal and real property belonging to the county, which it may dispose of as the needs and demands of the people may require. It audits and settles accounts against the county, issues licenses to certain businesses, and lends such portion of the funds as may not be needed in the transaction of business. The court provides polling places, approves the bonds of county officers, and has general control of roads and bridges. It settles with the county treasurer

at stated times, lets contracts for the working of prisoners confined in the jail, and attends to many other matters looking to the general interests of the people of the county. An itemized statement of all receipts and disbursements must be published at least once each year. By this means the people may know the financial condition of the county, and they are informed also concerning the use that has been made of the various funds. The county judges are also conservators of the peace in their counties.

125. Terms. Four terms of court are held each year, the times being the first Monday in February, May, August, and November. In counties containing seventy-five thousand or more inhabitants, the county court must meet monthly. Special meetings are held whenever the business of the county may require.

126. County Clerk. The county clerk is the clerical officer of the court. He is elected for a term of four years.

127. Qualifications. The county clerk must be above twenty-one years of age, a citizen of the United States, and he must have been a resident of the state one year and of the county three months.

128. Duties. He (1) keeps a record of the proceedings of the county court, including all rulings, orders, and judgments; (2) keeps an account of money received and of money due the county; (3) attests processes and affixes the seal of his office; (4) issues warrants for money ordered by the court to be paid, and (5) performs such other duties as the law imposes.

129. Circuit Clerk. The same qualifications are required of the circuit clerk as of the county clerk. He is elected for four years.

130. Duties. In counties where the office of circuit clerk has been separated from that of recorder, the principal duties of the clerk are about as follows: 1. He makes out the docket of the circuit court. 2. He keeps a record of the proceedings of the circuit court, including orders and judgments. 3. He issues and attests such processes as the law may require. 4. He keeps an account of all moneys coming into his hands.

131. Recorder. In counties of ten thousand inhabitants, the county court may separate the offices of circuit clerk and recorder. In other cases the powers and duties of both devolve upon the former. The recorder's term of office is also four years.

132. Duties. In books prepared for the purpose, the recorder must keep a correct record of the following:— All deeds, mortgages, conveyances, deeds of trust, bonds, covenants, defeasances, and other instruments of writing concerning lands and tenements, goods and chattels, authorized to be recorded; all papers and documents concerning lands and tenements received from the Spanish and French authorities; marriage contracts and certificates of marriage; official bonds and commissions required by law to be recorded; a list of the births in the county, including a number of items required by law; and he must keep also an "abstract and index of deeds." He must report to the county court all fees received, but he is allowed to retain four thousand dollars as compensation for his services.

133. Sheriff. The sheriff is the police officer of the county. He is elected for a term of two years, but he cannot serve for more than two terms in succession; that

is, he cannot serve longer than "four years in any period of six."

134. Duties. The sheriff is a conservator of the peace in his county. He "quells and suppresses assaults and batteries, riots, routs, affrays and insurrections;" apprehends felons and traitors, and executes legal processes directed to him, including writs of replevin and attachment and final processes of justices of the peace. He notifies jurors of their appointment, and attends upon the sessions of the courts of record of his county. He has charge also of the jail and the prisoners, and is responsible for their safe-keeping. For the purpose of preserving the peace his power is almost unlimited.

135. Assessor. The assessor holds his office for a term of two years. He makes a list of all the taxable property in the county, assessing it at what he believes to be its actual cash value.

1. Between the first of June and the first of January of each year he makes a list of the personal property in the county.

2. Once in every two years, he must make assessment of the real estate within his jurisdiction.

3. After diligent effort to ascertain all the taxable property in the county, he makes out what are called the **assessor's books**. After these have been passed upon by the board of equalization they are then turned over to the collector.

136. County Equalization Board. This board is composed of the county court, county clerk, surveyor, and assessor. They review, adjust, and equalize the assessments of property as made by the county assessor.

137. Collector. The name of this officer suggests his general duty. He is elected for a term of two years.

1. After receiving the tax books, he notifies the tax-payers of each township of the time and place of collecting taxes.

2. He receives all taxes and properly accounts for them.

3. On application, he must furnish non-resident property owners a statement of taxes due from them.

4. Under certain rules and conditions, the collector may sell property for the payment of taxes. Neither real estate nor personal property is exempt from seizure and sale for this purpose.

5. Taxes become delinquent after the first of January, and at this time the collector is required to make a list of all unpaid taxes.

6. He is required to pay monthly to the state and county treasurers all taxes and licenses collected.

NOTE **138.** The law requires that the offices of sheriff and collector shall be kept separate and distinct, but it provides, also, that the same person may hold both offices.

139. The collector is paid by fees, the rate varying with the amount of the tax levy in each county.

140. Treasurer. The treasurer is the custodian of the money belonging to the county. He pays out funds only on warrants properly attested, a list of which he keeps in a book provided for that purpose.

141. His term of office is two years, and he cannot serve for more than two terms in succession.

142. He is allowed such compensation as the county court may deem just and reasonable.

143. Prosecuting Attorney. The prosecuting attorney is elected for a term of two years, said term beginning on the first day of January.

144. Qualifications. He must be learned in the law, duly licensed and recorded as an attorney in this state, and he must be at least twenty-one years of age.

145. Duties. Much depends upon a faithful discharge of the duties of this office.

Lawlessness may be encouraged by a loose administration of the law, while a firm enforcement of its provisions against evil doers may prevent violence and bring order and peace to a community.

His specific duties are about as follows:

1. He commences and prosecutes all civil and criminal actions in which the state or county is concerned.
2. He defends in all suits against the state or county.
3. He looks after debts, fines, penalties, and forfeitures accruing to the state or county.
4. He represents the county in all matters of law, investigating claims against the county, and drawing contracts relating to county business.
5. He is the legal adviser of the county and township officers, and of the grand jury during its sessions.

146. Compensation. Besides certain fees which are allowed the attorney, his salary ranges from three hundred dollars to one thousand dollars, according to the number of inhabitants in the county. His salary is paid quarterly out of the county treasury upon a warrant issued by order of the county court.

147. Surveyor. The county surveyor is elected for a term of four years.

148. Duties. 1. Upon the order of any court of record, he surveys or re-surveys any tract of land the title

of which is in dispute before the court. 2. He surveys at their own expense any lands or town lots belonging to individuals, when called upon and tendered his legal fees. 3. He is required to keep a careful record of all surveys made. 4. Upon the payment of the fee, he furnishes a copy of any survey to the person making the demand. 5. He is a member of the county board of equalization and as such has additional duties. 6. By virtue of his office, he is commissioner of roads and bridges, and in this capacity he receives such compensation as the county court may determine, not exceeding three dollars for each day actually employed.

149. Probate Judge. One probate judge is elected in each county for a term of four years. Besides being a conservator of the peace, his specific duties are about as follows :

150. Duties. He attends to the settlement of estates belonging to deceased persons, securing correct accounts from executors, administrators, curators, and guardians. He also appoints guardians of minors and of persons of unsound mind, has supervision of apprentices, and may solemnize marriages.

151. School Commissioner. The school commissioner is elected by the qualified voters of the county at the annual school meeting on the first Tuesday in April, for a term of two years.

152. Qualifications. He must be at least twenty-one years of age, must have been a resident of the county at least one year before his election, and he must hold a teacher's certificate to teach in the county.

153. Duties. 1. During the vacation of the institute,

he examines applicants for certificates. 2. He is a member of the county institute board whose duties have been given in a previous chapter. 3. He must keep a record of all certificates granted. 4. He must supply the school officers with copies of the school law and with proper blanks for making reports. 5. He must make an annual report to the state superintendent, giving, in condensed form, the educational statistics of his county. 6. Under certain circumstances, he may settle disputes concerning the boundary lines of school districts.

154. Compensation. 1. For making his annual report he receives from twenty to forty dollars, the amount depending upon the population of the county. 2. He receives ten dollars for services as a member of the county examining board, and in case he is not one of the instructors in the institute, this amount is increased to forty dollars. 3. For each teacher examined in the vacation of the institute, he receives one dollar and fifty cents. 4. For deciding disputes concerning boundary lines, he is allowed five dollars.

155. In case a county adopts **county supervision** as provided by law, the commissioner devotes his entire time to the duties of the office, and he receives a stipulated salary for his services as determined by the number of educable children. The amount ranges from two hundred dollars to one thousand dollars.

156. The Public Administrator takes charge of estates belonging to strangers who die in the county without relatives and also of those persons who die without known heirs. He takes charge of property exposed to loss or damage; acts as **curator** to minors not having a

guardian; and takes charge of the persons of all minors under fourteen who are without parent or guardian.

157. Coroner. It is the duty of the coroner "to inquire into the cause of the death of persons who have died by violence, or suddenly, and by means unknown." The investigation is made by means of a jury who examine witnesses and determine as far as possible the cause of the death. When the sheriff is disqualified from any cause, the coroner performs his duties.

158. In the preceding chapter some of the advantages of the township system of local government were stated. But it must be evident to every one that the **County System** has many points of superiority. In a large number of the counties of Missouri it is certainly well adapted to securing the ends of good government. In the sparsely populated portions the people find it especially suited to their needs and circumstances. It secures to them better service from the officials, and that too at less expense, than could be secured under township organization. The people are familiar with its methods and they will be slow to change to something new.

159. Stimulating Questions.

1. Name other qualifications besides those required by law for sheriff, treasurer, and the clerks.
2. Why should one county officer serve for a longer time than another?
3. Name some of the duties of voters in the selection of county officers.
4. Should the office of school commissioner be so changed as to include a closer supervision of schools?

CHAPTER VII

THE CONGRESSIONAL TOWNSHIP

160. In Chapter V. we have considered at some length the municipal township, giving a tolerably full outline of it as a part of our local system of government. It has certain officers and possesses certain powers. But the **congressional township** differs materially from this. In Missouri, it is not a civil division of the state at all. It is a unit in the general system of land surveys, without political power or significance. Congressional townships are practically uniform in shape and area.

161. Practical Importance. As it is of great practical importance, however, and as it has such close relation to many of the official records of the county, it is believed that a chapter given to its consideration will serve a good purpose.

162. Who has not heard of "corners," and "sections," and "townships;" of half-sections and quarter-sections? Owners of real estate and many others have frequent occasion for using these terms in locating and describing lands. Tracts of land advertised for sale for the payment of taxes and for other purposes are designated by use of such terms. Titles, mortgages, and abstracts would be incomplete without the use of ranges, townships, sections, and fractional parts of sections.

163. Public Lands. The United States formerly controlled extensive areas of public lands. Probably no less than two billion acres have been offered for sale by the national government. But in order to transfer it, and in order to fix the boundaries of each man's personal possessions in real estate, it was necessary that surveys should be made and fixed lines established.

164. Surveys. Hence, the entire territory, including what is now the state of Missouri, has been very carefully surveyed by the United States government. It has been laid off into uniform and symmetrical areas, the limits being fixed by lines that are definitely located. These areas or divisions are known as ranges, townships, sections, and parts of sections. The lands are thus definitely defined and accurately located and described. A tract is designated by range, township, and section.

165. Standard Lines. As there must be an authorized starting point, what are known as meridians and base lines have been established by the government by means of astronomical measurements. The meridian lines extend north and south, while the base lines extend east and west. Parallel to these as standards, and six miles apart, other lines were run, thus dividing the surface into townships, each containing, as near as the figure of the earth will permit, thirty-six square miles or sections. The lines running north and south are called range lines, and those extending east and west are known as township lines.

166. Townships. The townships are numbered north and south from the base line, and a series of them is known and designated as a range. The ranges are numbered east and west from the meridian line.

167. Sections. The townships are subdivided into sections by the running of lines east and west and north and south at a distance of one mile apart. Each section contains six hundred and forty acres, which may be divided into smaller tracts and designated as fractional parts of a section, as half-section, quarter-section, half a quarter, etc. The figure on page 63 represents a township as divided into thirty-six sections. The sections, as will be seen, are numbered, beginning in the northeast corner and alternating from east to west and from west to east, until the thirty-sixth section is reached in the southeast corner of the township. The sections are divided into halves, quarters, eighths, and sixteenths, as shown in section sixteen.

168. Marking Lines. All lines upon which legal corners are established are definitely marked so that they may be easily followed. The trees which intercept a line have two notches on each side, and they are called line or sight trees. Other trees standing near are blazed on two sides in such a way as to render the lines conspicuous and easily traced.

169. Corners. Boundary corners are also located and marked so as to be easily found. In a timbered country, the corner is a tree, if one is found on the exact spot; if not, a post is planted, and its position marked by adjacent trees, the bearings and distances being noted in the field book. In stony regions, a township corner is marked by a monument of stones near a single marked stone; other corners are marked by a single stone. In other cases, corners are marked by mounds of earth, the size varying to suit the case. Township corners are

found at intervals of six miles; section corners at intervals of one mile; and quarter section corners, at intervals of half a mile.

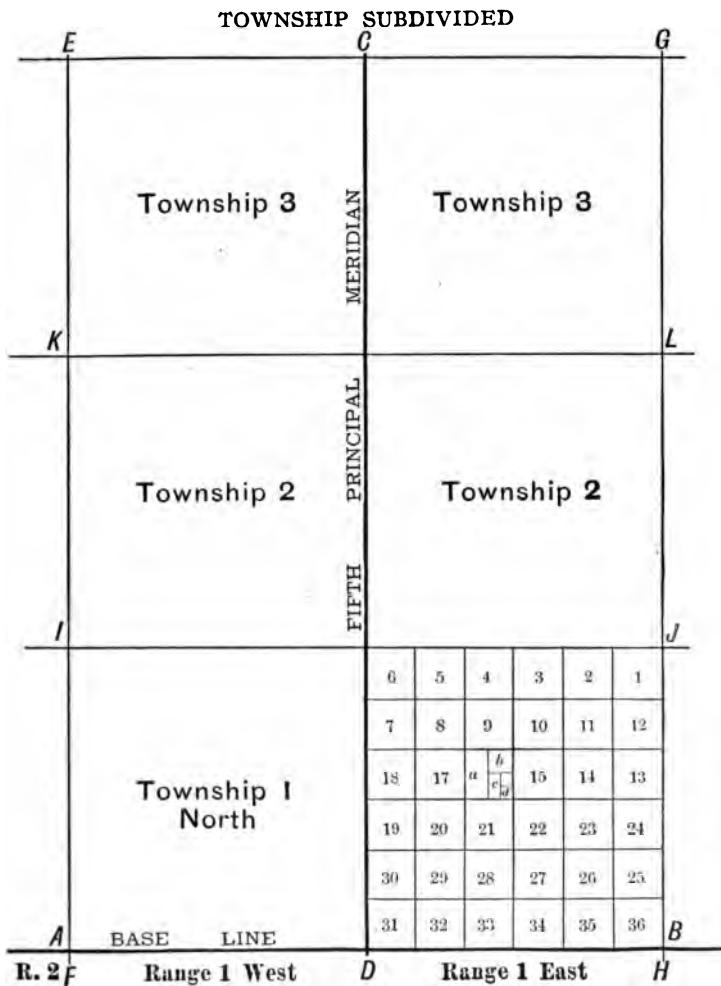
170. Meridians. There are twenty-four principal meridians in the United States, six being designated by numbers and eighteen being known by specific names. The one from which the ranges in Missouri are numbered is the "Fifth Principal Meridian." It extends north from the mouth of the Arkansas river, passing thirty-six miles west of St. Louis.

171. Base Lines. There are more than twenty base lines in the United States. The one from which the townships in Missouri are numbered extends through northern Arkansas, beginning at the mouth of the St. Francis river.

172. By a careful study of the map opposite this page, all of the foregoing points and explanations may be fully comprehended.

173. Explanatory. A B is the base line. C D is the principal meridian. E F and G H are range lines. I J, and K L, and E G are township lines. Township 1, range 1, east, has been divided into thirty-six sections each of which contains six hundred and forty acres. Section 16 has been subdivided, and "d" would be designated as the southeast quarter of the southeast quarter of section sixteen, township 1, north, range 1, east. The division represented by "c" would be described as the west half of the southeast quarter, etc. The division "b" would be designated as the northeast quarter of section 16, T. 1 N., R. 1 E. The division "a" would be designated as the west half of section 16, T. 1 N., R. 1 E.

174. Map of Congressional Townships.



175. Conveyances. Lands, estates, or interests therein, may be conveyed by a properly executed deed, made by the owner, his agent, or attorney. Individuals or private corporations are competent to make such deeds. Certain general forms have been adopted for this purpose, the persons making the transfers filling them out and properly signing them. The law requires that all such must be proved or acknowledged before the proper officer, a certificate of which is endorsed on the instrument by the officer. Acknowledgment of transfers of lands within the state may be taken by notaries public, clerks and judges of courts having seals, or by a justice of the peace of the county in which the real estate is situated. If the property affected is without the state, then this service may be rendered by any notary public, by any state or national court, having a seal, or the clerk of such court, or by any commissioner of deeds appointed by the governor of Missouri. After this the instrument should be recorded, and that too without delay. Upon this point the statutes say: "Every instrument in writing that conveys any real estate, or whereby any real estate may be affected, in law or equity, proved or acknowledged and certified in the manner hereinbefore prescribed, shall be recorded in the office of the recorder of the county in which the real estate is situated." All such instruments give notice of their contents to all persons from the time they are filed with the recorder, and purchasers are deemed to purchase with notice.

176. Stimulating Questions. 1. In what range, township, and section do you live?
2. In what range and township is the county seat?

CHAPTER VIII

CITIES AND VILLAGES

"God made the country, and man made the town."

177. Cities and towns require a separate and distinct organization from that of the county or the township. "The county and state officers have the same powers and duties in cities as in the country, but owing to the massing of large bodies of people upon limited territory, a strong organization with extensive powers is needed." The demands of efficient local government require additional laws and the means for their execution. The public interests have been multiplied, and they must be protected. Streets and alleys must be established and kept in repair; sanitary conditions must be looked after; protection must be provided against fire, disease, and nuisances; the paupers must be cared for, hospitals established, and schools organized; provision must be made for water and light; and methods must be adopted for the enforcement of police regulations.

178. Incorporation. Previous to the adoption of the present constitution, the cities and towns of Missouri had been organized either under the general law or under special charters granted to them by the Legislature. These incorporated cities may retain their old organizations or they may avail themselves of the privileges now

provided for their respective classes, as determined by their population. In order to reorganize under the present law, an ordinance containing such proposition must be submitted to a vote of the people. If a majority of the voters voting at the election ratify the ordinance, then the mayor or chief officer of the town declares the result, and the town is organized as provided by law.

179. In the case of an unincorporated town, it must proceed as follows: A petition signed by a majority of the citizens must be presented to the county court, and if satisfied that a majority of the tax-paying citizens have signed it, the court shall declare the city or town incorporated, setting forth the metes and bounds, and designating the first corps of officers.

180. Officers. In towns and cities legislative, executive, and judicial officers are elected whose duties and jurisdiction lie within the scope of city laws and ordinances. Except in so far as the statutes of the state may prescribe otherwise, they are the servants of the people of the city or town and must account to them for the faithful discharge of duty.

181. Wards. For convenience in voting and in the execution of the law, cities and towns are divided into wards, the number varying according to the population. Voting precincts are established in each ward, and each citizen must vote in his own precinct. One or more members of the municipal legislative assembly are elected from each ward.

182. Finances. In order to meet the expenses of the city government, the corporate authorities thereof have "power to assess and collect taxes." The state, by

its constitution, imposes certain limitations and prohibitions which will be considered in the chapter on Revenue. Those who live within the corporate limits of a city or town must pay taxes for the support of the local government thereof in addition to the taxes paid to the county and state. The city has the power also to borrow money for use in the construction of public works, such as water-works, public parks, public buildings, and other improvements.

183. Lessons. The city has its disadvantages but it has also its advantages and teaches some valuable lessons. It is in the cities that we find many of our most successful institutions. The best systems of schools are found in the large cities. Here we may learn how to build roads, get valuable lessons in caring for the poor, and learn the best means for preserving health. Here are elegant buildings, extensive and beautiful botanical gardens, and every form of artistic display. Well equipped libraries afford extended means for general culture, while the public lecture and the refining influences of the literary spirit are strong for good.

184. Serious Problems. But the city presents many serious problems also. The gathering of many people into a limited territory gives rise to conflicting interests. The vicious elements drift into these places and become sources of much annoyance to law-abiding citizens. It is in the city also that we quite frequently find conspicuous examples of the mismanagement of public affairs. Among the evils most frequently mentioned are bribery, misappropriation of funds, perversion of the ballot, and corruption in various other forms. City government is

often the theme of the magazine article and the newspaper editorial.

185. Classification. The constitution of Missouri says: "The general assembly shall provide, by general laws, for the organization and classification of cities and towns. The number of such classes shall not exceed four; and the powers of each class shall be defined by general laws, so that all such municipal corporations of the same class shall possess the same powers and be subject to the same restrictions." In accordance with this provision, cities have been divided into classes as follows:—

Cities of the Fourth Class, containing 500 inhabitants and less than 3,000, and all towns having less than 500 which may elect to become such.

Cities of the Third Class, containing 3,000 and less than 30,000.

Cities of the Second Class, containing 30,000 and less than 100,000.

Cities of the First Class, containing 100,000 and above.

186. The government of each of the above classes is separately outlined in the statutes of the state, the qualifications and duties of officers, and the general powers of each class being given in detail. We take them up in the reverse order of their classification as given above.

Cities of the First Class.—100,000 or more inhabitants.

187. Elections. The general elections for cities of this class are held every four years, on the first Tuesday in April. The law requires the registration of all voters in cities of the first class and in cities whose population entitles

them to become such. The qualifications for voting are the same as those required for voting for state officers.

188. Legislative Body. The legislative power is vested in a "Municipal Assembly," composed of the council and the house of delegates. The council is composed of thirteen members who are elected for a term of four years. Each member must be (1) a qualified voter, (2) at least thirty years of age, (3) must have been a citizen of the state five years, and (4) must have been an inhabitant of the city and a property owner in the same for one year next before election. The house of delegates consists of one member from each ward, chosen for a term of two years. Each member must be (1) at least twenty-five years of age, (2) must have been three years a citizen of the United States and an inhabitant of the city, (3) a resident of the ward one year, and (4) he must have paid state and county taxes for two years next preceding his election. The assembly meets annually.

189. Municipal Assembly Powers. The statutes enumerate a large number of these. We call attention to the following as being the more important ones:—

1. They may levy and collect taxes, and provide for debts and expenses.
2. They may open and improve streets and sewers; maintain fire, health and police departments, and provide water-works for the city.
3. They have the care and management of the public parks, and they have power to erect, rent or purchase municipal buildings.
4. They control harbors, ferries, and wharves, and grant licenses for various kinds of business.

5. They regulate hospitals, quarantine against disease, and abate nuisances.
6. They provide for restraining riots and disorderly assemblies, and pass laws restraining stock from running at large.
7. They may grant franchises.
8. They provide for the poor and insane.
9. In short, they have power to pass such laws as will be for the general welfare of the city.

190. Elective Officers. The following officers are elected every four years: Mayor, Comptroller, Auditor, Treasurer, Register, Collector, Recorder of Deeds, Inspector of Weights and Measures, Sheriff, Coroner, Marshal, Public Administrator, President of the Board of Assessors, and President of the Board of Public Improvement. The mayor is the chief executive officer.

191. Appointive Officers. The mayor, by the consent of the council, appoints the following officers for a term of four years: City Counselor, District Assessors, Superintendent of the Work-house, Superintendent of the House of Refuge, Superintendent of Fire and Police Telegraph, Commissioner of Supplies, Assessor of Water Rates, two Police Judges, Jailer, five Commissioners of Charitable Institutions. A Recorder of Voters is appointed by the governor.

192. Qualifications of Officers. All officers, elective and appointive, must possess the following qualifications:
1. They must have been citizens of the United States at least two years. 2. They must be able to read and write the English language. 3. They must not be in arrears to the city for taxes, or in any other way. 4. They must

not be interested in any contract with the city. 5. Excepting the commissioners of charity, they shall not hold any state or federal office. In addition to the above the mayor must be at least thirty years of age.

193. Duties. The duties of each officer are prescribed by the laws of the state. The name of the office, however, will usually suggest the nature of the duties of the position.

194. Judicial. The police justices are conservators of the peace of the city, and they have jurisdiction over cases arising under the ordinances and under the laws governing cities of this class.

195. Compensation. The municipal assembly fixes the salaries of all officers, but no officer is allowed to receive more than five thousand dollars.

196. St. Louis and Kansas City are the only cities in the state whose population entitles them to organize as cities of the first class, but the former is organized under what is known as the "Scheme and Charter."

Cities of the Second Class.—30,000 to 100,000 inhabitants.

197. Legislative Body. The legislative power of cities of the second class is vested in a common council, composed of two resident aldermen from each ward, one being elected by the voters of the city at large, and the other being chosen by the voters of the ward. The election is held on the first Tuesday after the first Monday in April. Aldermen are chosen for a term of two years, the terms of one-half of the body expiring in one year and those of the other expiring the next year.

198. Qualifications. Aldermen must be at least

twenty-one years of age; they must have resided in the city one year and in the ward six months; they must be citizens of the United States, voters of the city, and city tax-payers; they must not be in arrears to the city for taxes or otherwise, neither must they be interested in any way in any contract with the city or with any of its institutions.

199. Powers. The statutes of the state enumerate forty-three powers of the common council, but they agree in the main with those given under cities of the first class.

200. Elective Officers. The qualified voters elect a mayor, judge of the police court, city attorney, city auditor, and city treasurer, who hold their respective offices for a term of two years.

201. Appointive Officers. The mayor, by and with the advice and consent of the common council, appoints a city clerk, engineer, assessor, counselor, and comptroller who serve for a period of two years.

202. Qualifications. No person can hold any office under the city who is not a qualified voter of the city, a citizen of the United States and of Missouri, and who has not lived in the city one year next preceding the election. The mayor must possess in addition the qualifications of an alderman.

203. Police Board. The governor of the state, by and with the advice and consent of the senate, appoints a board of three police commissioners, who hold office for three years. This board appoints the police officers and police force, and has general control of the enforcement of all police regulations.

204. Judicial. In cities of the second class, the police judge is the judicial officer, and he has jurisdiction over all cases arising under the city ordinances. In the absence of the judge, he may designate some justice of the peace to act in his stead.

205. Revenue. The city has full power to levy and collect taxes for the payment of all expenses incurred in the administration of the local government.

206. St. Joseph is the only city in the state belonging to this class.

Cities of the Third Class.—3,000 and less than 30,000 inhabitants.

207. Elections. All elections are held under, and governed by, the general election laws of the state, and the time is the first Tuesday in April.

208. Elective Officers. The following officers are elected for a term of two years: mayor, marshal, police judge, city attorney, treasurer, assessor, and collector. The attorney must be learned in the law.

209. Legislative Body. The city is divided into at least four wards, and two councilmen are elected from each for a term of two years, one being selected each year.

210. Qualifications. The mayor must be at least thirty years of age, a citizen of the United States, and a resident of the city for two years. A councilman must be twenty-five years old, a citizen of the United States, and a resident of the city one year and of the ward six months.

211. Duties of Mayor. The mayor is the president of the council, has supervision over all officers and over the affairs of the city in general. He signs drafts, commissions officers, and must be "active and vigilant in the

enforcement of all laws and ordinances." By the consent of the council, he appoints a street commissioner and such other officers as may be authorized by ordinance.

212. Powers of the Council. The mayor and council have general control of the city and its finances. They may enact such laws as are necessary to the peace and good order of the community. They look after trade and commerce and make regulations for preserving the health of the inhabitants. They authorize the levying and collecting of taxes, and provide for opening, grading, and repairing streets. They also fix the compensation of all officers and employees of the city.

213. Judicial. The police judge is a conservator of the peace. He has exclusive original jurisdiction over all offenses against the city ordinances.

214. Assessment of Property. The assessment of real and personal property of the city is made by the city assessor, jointly with the county assessor, and the two assessments must accord with each other. After it is passed upon by the board of equalization, it is taken as the basis for the levy of city taxes.

215. There are thirty-two cities and towns in the state whose population would permit them to organize as cities of the third class.

Cities of the Fourth Class.—500 and less than 3,000 inhabitants.

216. Elections. The general election of officers for cities of the fourth class is held every two years on the first Tuesday in April, at such place as may be fixed by ordinance.

217. Officers. The qualified voters elect a mayor,

marshal, collector, and board of aldermen, who serve for a period of two years. Provision may be made for the election of a police judge also. The mayor, with the consent of the board, appoints a treasurer, street commissioner, and city attorney. The board appoints a clerk who keeps a record of the proceedings of all meetings.

218. Wards. The city must be divided into at least two wards, from each of which two aldermen are elected, one each year.

219. Qualifications of Officers. The mayor must be twenty-one years of age, a citizen of the United States, and one year an inhabitant of the city. An alderman must be twenty-one years old, a citizen of the United States, an inhabitant of the county for one year preceding the election, and he must be a resident of the city. No one who is in **arrears for taxes**, fines, or otherwise, is eligible to any appointive or elective office.

220. Powers. Numerous powers are given the mayor and board of aldermen. They may pass ordinances regulating the construction and repairing of streets; provide for the granting of licenses and the restraining of animals; and in short, pass all laws which may be necessary for the preservation of life and the protection of property.

221. Taxes. The county clerk furnishes the mayor with an abstract of the assessed valuation of the property within the city, and upon this the board fixes the rate, and assesses the municipal tax. Besides the regular tax the board may provide for a poll-tax, wharfage, etc.

222. Duties of the Mayor. Among the general

powers and duties of the mayor are the following: he is the chief executive officer and hence he must enforce the laws and have general supervision of the city; he commissions officers and signs drafts against the town treasury; for the purpose of enforcing the law, he has power to call out every male inhabitant between the ages of eighteen and fifty; he presides at all meetings of the board, and has power to approve or veto ordinances passed by that body. He is required to make an annual report to the board and he may require other officers to make similar reports, giving an exhibit of their accounts and papers. As a judicial officer, he is a conservator of the peace, and has power to hear and determine all cases arising under the ordinances of the city.

223. There are about **one hundred and ninety** cities and towns in the state whose population entitles them to organize as cities of the **fourth** class.

224. Villages. The organized village has the simplest form of municipal government.

225. Incorporation. Villages are incorporated by the county court on the petition of two-thirds of the taxable inhabitants. If satisfied that the petition is reasonable the court sets forth the metes and bounds as suggested in the petition, and appoints the first board of trustees.

226. Board of Control. The corporate powers of villages are vested in a board of trustees, composed of five members in villages whose population does not exceed twenty-five hundred, and of nine members if the population exceeds that number.

227. Elections. The trustees are elected by the

qualified voters, on the first Tuesday after the first Monday in April of every year.

228. Qualifications of Trustees. To be eligible to the office of trustee, a person must be twenty-one years of age, a male citizen of the United States, an inhabitant of the village, and a resident therein for one year next preceding the election, and he must also be a householder within the limits of the town.

229. Powers of the Board. The board possesses legislative, executive, and judicial powers. The board elects its own chairman, and appoints the assessor, collector, marshal, treasurer, and such other officers as may be necessary. The board also judges of the qualifications, election, and returns of its own members. The additional powers possessed by the trustees do not differ materially from those belonging to cities of the fourth class.

230. Powers and Duties of the Chairman. The chairman of the board of trustees is the chief officer of the village. He is a conservator of the peace, and hears and determines offenses against the ordinances. He must keep his office open every day except Sunday for the immediate trial of offenses. He issues warrants for the arrest of offenders, and enforces all orders, rules, and judgments made by himself. He must keep a docket of all causes brought before him, and on the first day of March and of September, he must make a report of all moneys received and expended by the village during the preceding six months.

231. Revenues. The chairman of the board secures from the clerk of the county court a certified abstract

from the assessment books of all property within the limits of the village. This is taken as the lawful assessment on which to levy and collect the municipal taxes. The same rules and regulations maintain in the collection and care of the revenue as in the case of state and county taxes.

232. St. Louis. The city of St. Louis occupies a unique relation to the state. By the authority of the constitution it was allowed to "extend its limits so as to embrace the parks then without its boundaries, and other convenient and contiguous territory, and to frame a charter for the government of the city." By the plan adopted the city is entirely separated from the county of St. Louis, and sustains to the state the relation of a county. It has its own representation in the general assembly, collects the state revenue, and performs other similar functions. It is exempt from county taxes, and has its own **Separate Corps of Officers.** The municipal assembly, composed of two houses, possesses legislative power. The mayor is the chief executive. The judicial authority is vested in a circuit court, a criminal court, and a court of criminal correction.

233. The organization, so far as officers and general plan are concerned, does not differ greatly from that of cities of the first class.

234. Stimulating Questions. 1. What are the tendencies of municipal government at this time?

2. What are some of the best methods of dealing with the irresponsible and lawless element?

3. Make a full report of the organization of the town or city in which you live, or of the county seat of your county.

CHAPTER IX

STATE GOVERNMENT

235. Introductory. We have now studied the family, the school district, the township, the county, and the city. We are prepared for the consideration of the state, the highest form of local government. We learned in previous chapters that the subdivisions of the state possess only such powers as are necessary to meet their individual, local needs. But there are interests of the people which are **common to all communities**, and which do not conflict with those belonging to the smaller divisions. This gives rise to the necessity for a state system of government, including laws and officers whose jurisdiction is limited only by the boundaries of the commonwealth. We now direct attention to these matters as they have been gleaned from the constitution and laws of the state.

236. Republican in Form. A government is republican in form whose affairs are managed by representatives elected by the people. The constitution of the United States guarantees to each state a republican form of government. This means that no state can be admitted into the union unless it complies with this condition. There are, as a consequence, many points of similarity in the constitutions of the various states, and between these and the national government. The general plan in each case

is substantially the same. Many of the personal rights and prohibitions enumerated in the constitution of the United States have been incorporated into the constitution of Missouri.

237. Branches. State government, as well as national government, is administered through three departments or branches,—legislative, executive, and judicial. The legislative is the law-making power; the executive is the law-enforcing power; and the judicial is the law-interpreting power. The theory is that these should be kept practically separate from each other, and thus serve as checks each upon the others, against corruption and extravagance in the administration of the laws. The present chapter and the two succeeding ones will be given to a consideration of these three departments.

LEGISLATIVE DEPARTMENT.

238. Where Vested. The law-making power of the school district is exercised by the board of education in the adoption of the rules and regulations for the government of the school. In towns and cities it is exercised by the board of trustees or the council in the passage of ordinances for the regulation of the various departments of the city government. The county courts exercise legislative power in the adoption of rules for the management of the institutions belonging to the county.

239. But above all of these is the state. It is from the state that the cities, districts, townships, and counties get their authority for the exercise of whatever power they possess. **The state must legislate for the people as a whole.** What the local legislative bodies are to their individual communities, the legislature is to the citizens of the state.

240. The legislative power of Missouri is vested in the **General Assembly** which is composed of the House of Representatives and the Senate.

241. **Time and Place of Meeting.** The general assembly meets in regular sessions at Jefferson City, the capital of the state, once in every two years, beginning on the first Wednesday after the first day of January. These meetings occur on the odd-numbered years, '95, '97, etc. On extraordinary occasions, the governor may call the general assembly together in extra session.

242. **Length of Session.** In the case of revising sessions, the legislature may remain in session one hundred and twenty days and receive full compensation. Other sessions are limited to seventy days on full compensation. Should they remain in session beyond the above limits, the members receive only one dollar for each additional day instead of five dollars.

243. **How Designated.** The successive general assemblies are designated by numbers which correspond to the number of times the assembly has been organized. The thirty-sixth general assembly met in 1891, the thirty-seventh in 1893, and so on.

244. **Ineligibility.** There are certain things which senators and representatives cannot do. They cannot hold any other office under the state or under any of its municipalities during the time for which they were elected. No member of congress, nor any person holding any lucrative office under the United States, is eligible to membership in the general assembly. These are precautionary measures, adopted to prevent the possible abuse of these offices. It may be said also that it is

always safe to keep national and state offices separate. It erects a strong barrier against corruption in office. Militia officers, justices of the peace, and notaries public are excepted from the above restriction. Removal from the district on the part of a senator or from the county on the part of a representative vacates his office.

245. Oath. Before entering upon their duties the members of each house must take an oath or make affirmation that they will support the constitution of Missouri and of the United States; that they will faithfully perform their duties; and that they will not, either directly or indirectly, accept any money or other valuable things for the performance or non-performance of any duty, except as provided by law. Should any member refuse to take the prescribed oath, he would thereby vacate his office. A violation of the oath or affirmation disqualifies the individual from holding any office of profit or trust under the state.

246. Powers of Each House. The powers possessed by each house, without the consent of the other, are as follows:—

1. Each house elects its own officers.
2. Each is the judge of the election, returns, and qualifications of its own members.
3. Each house adopts its own rules, subject to the limitations of the constitution of the state.
4. Each may punish its own members for disorderly conduct.
5. Each may punish other persons for disorderly conduct in its presence.
6. Each may expel a member by a two-thirds' vote of

all the members-elect.

7. Each house is coordinate with the other in general legislation.

8. **Impeachments.** (1) The house of representatives has the sole power of preferring articles of impeachment against public officers. (2) The senate tries all impeachments.

247. Compensation. The members of the general assembly receive compensation for services and expenses as follows:

1. Five dollars per day for seventy days and one dollar per day for the remainder of the session, except for revising sessions when they receive five dollars per day for one hundred and twenty days and one dollar for each additional day.

2. Each member is allowed thirty dollars for postage, stationery and other incidental expenses.

3. Each member is entitled also to traveling expenses or mileage, the amount of which is fixed for each county by the legislature.

4. The speaker of the house receives in addition to his pay as a member the sum of two dollars for every day he actually presides. The president *pro tempore* of the senate and the speaker *pro tempore* of the house receive the same compensation as the speaker for the time they act as presiding officers.

5. Committees of either or both houses appointed to examine the state institutions, receive actual expenses incurred while prosecuting their investigations. The committee appointed by the governor to examine the institutions of the state other than those located at the

capital, receive expenses and five dollars per day, the work being done in this case before the assembling of the legislature.

248. All such sums are paid out of the treasury of the state as provided by law.

249. Quorum. A majority of the whole number of members of either house constitutes a quorum for the transaction of business; but a smaller number may adjourn from time to time, and may compel the attendance of absent members.

250. Vacancies. Vacancies may occur in either house by death, expulsion or resignation. If a member resigns during the recess of the general assembly, he directs his resignation to the governor; otherwise he sends it to the presiding officer of the house of which he is a member. In either case, it becomes the duty of the governor, on receiving notice of a vacancy, to issue writs of election.

251. Adjournment. Neither house can adjourn, without the consent of the other, for a longer time than two days, "nor to any other place than that in which the two houses may be sitting." An adjournment for more than three days has the effect of an adjournment *sine die*.

HOUSE OF REPRESENTATIVES.

252. How Composed. The house of representatives is composed of one hundred and forty members, elected by the qualified voters of the counties or districts. They are distributed among the counties of the state as follows: The city of St. Louis, fifteen; Jackson county, six; Buchanan county, three; Greene, Jasper, Saline, and St. Louis, each two; and each of the other counties one.

253. Qualifications of Representatives. A representative must possess the following qualifications:

1. He must be a male citizen of the United States.
2. He must be at least twenty-four years of age.
3. He must have been a qualified voter of this state for two years.
4. He must have been an inhabitant of the county or district for one year next before his election.
5. He must have paid a state and county tax within one year next preceding the election.

254. Representative Districts. When a county is entitled to as many as two, and not more than ten representatives, the county court divides the county into a corresponding number of districts, and the people of each district elect one representative who must be a resident of the district. If the county is entitled to more than ten representatives, then the circuit court divides it so as to give each district not less than two nor more than four representatives, who shall be residents of the districts for which they were elected.

255. Term of Office. Representatives are elected for a term of two years. Should they fail to serve the interests of their constituents, the remedy is provided in the short term; while if they show themselves to be wise and efficient servants, the people can re-elect them.

256. House Officers. At the beginning of each legislature, each house organizes by the election of certain officers and the appointment of such committees as may be necessary for a thorough and speedy prosecution of business. The principal officers of the house

are speaker, speaker pro tem., chief clerk, assistant chief clerk, engrossing clerk, doorkeeper, sergeant-at-arms, official reporter and chaplain. The first two only are members of the house.

257. Certificate of Election. The county clerk grants a certificate of election to the person who receives the highest number of votes. The certificate must include a statement that the person has presented a receipt for taxes as required by law.

THE STATE SENATE.

258. How Composed. The senate is composed of thirty-four members who are elected for a term of four years by the qualified voters of their respective districts.

259. Qualifications. In order to hold the office of senator in Missouri, a person must possess the following qualifications:

1. He must be at least thirty years of age.
2. He must be a male citizen of the United States.
3. He must have been a qualified voter of the state for three years.
4. He must have been an inhabitant of the district for one year next preceding the election.
5. He must have paid a state and county tax within one year next before the election.

260. It will be noted that higher qualifications are required of the senator than of the representative. In many respects his duties are more important and responsible. The senator tries cases of impeachment, acts upon nominations made by the governor, and performs other

duties which require maturity of judgment and wise discretion.

261. Apportionment. It is the duty of the general assembly to apportion the senators among the people once in every ten years, using the last United States census as the basis for such apportionment. In case that body fails to perform this duty, it then becomes the duty of the governor, secretary of state and attorney general, within thirty days after the adjournment of the assembly, to re-district the state and to file with the secretary of state a full statement of the districts formed by them.

262. Senatorial Districts. The following are the senatorial districts as arranged in 1891 by the governor, secretary of state and attorney general:

First. —The counties of Atchison, Gentry, Holt, Nodoway and Worth.

Second. —Buchanan county.

Third. —Andrew, Clay, Clinton, De Kalb and Platte.

Fourth. —Grundy, Harrison, Livingston and Mercer.

Fifth and Seventh. —Jackson county.

Sixth. —Adair, Chariton, Linn and Sullivan.

Eighth. —Caldwell, Carroll, Daviess and Ray.

Ninth. —Boone, Macon and Randolph.

Tenth. —Callaway, Montgomery, St. Charles and Warren.

Eleventh. —Audrain, Lincoln and Pike.

Twelfth. —Clark, Knox, Lewis, Putnam, Scotland and Schuyler.

Thirteenth. — Marion, Monroe, Ralls and Shelby.

Fourteenth. — Camden, Cooper, Howard, Moniteau and Morgan.

Fifteenth. — Benton, Hickory, Pettis and Saline.

Sixteenth. — Bates, Cedar, Henry and St. Clair.

Seventeenth. — Cass, Johnson and Lafayette.

Eighteenth. — Barry, Lawrence, McDonald and Newton.

Nineteenth. — Christian, Douglas, Ozark, Stone, Taney, Webster and Wright.

Twentieth. — Dade, Dallas, Greene and Polk.

Twenty-first. — Bollinger, Butler, Cape Girardeau, Carter, Ripley and Wayne.

Twenty-second. — Howell, Laclede, Oregon, Shannon and Texas.

Twenty-third. — Dunklin, Mississippi, New Madrid, Pemiscot, Scott and Stoddard.

Twenty-fourth — Crawford, Dent, Iron, Madison, Reynolds and Washington.

Twenty-fifth. — Franklin, Gasconade and St. Louis.

Twenty-sixth. — Jefferson, Perry, St. Francois and Ste. Genevieve.

Twenty-seventh. — Cole, Maries, Miller, Osage, Phelps and Pulaski.

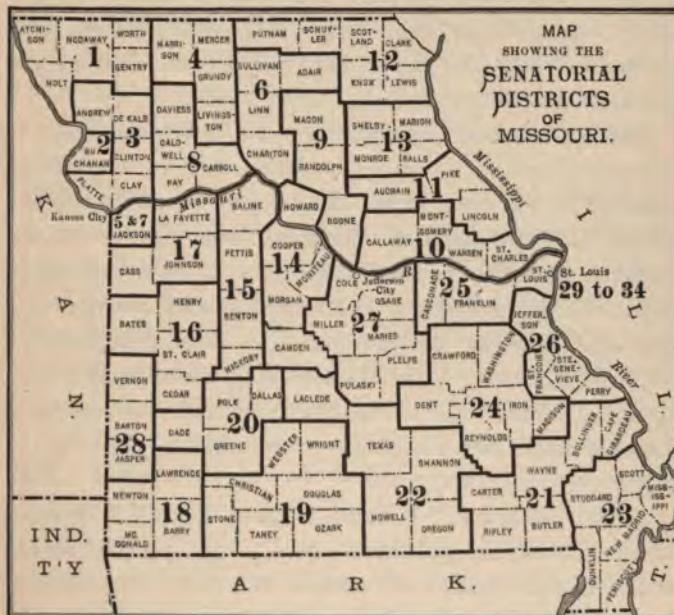
Twenty-eighth. — Barton, Jasper and Vernon.

Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, Thirty-third and Thirty-fourth. — The City of St. Louis.

Senatorial districts which are composed of two or more counties must include contiguous territory and be

compactly located. No county can be divided by the lines of the district.

263. Map of Senatorial Districts.



264. Senate Officers. The principal officers of the senate are president, president *pro tem.*, secretary, assistant secretary, engrossing clerk, enrolling clerk, sergeant-at-arms, door-keeper, official reporter, and chaplain. The lieutenant-governor is president of the senate by virtue of his office. The president *pro tem.* is a member of the body.

265. How Classed. The senate is what is known as a perpetual body, only one-half of the members retiring

from office at any one time. The senators from the odd-numbered districts, 1, 3, 5, etc., compose the **first class**, and those from the even-numbered districts, 2, 4, 6, etc., compose the **second class**. Senators of the first class were elected in 1892, and those of the second class were elected in 1894. By this plan, at least one-half of the senators have had experience in legislation.

266. Certificate of Election. In senatorial districts composed of two or more counties, the county clerks transmit to the clerk of the county first named in the law establishing the district, a certificate of all the votes cast for each candidate in their respective counties; the clerk of the county in which a candidate resides certifies also that the candidate has presented his receipt for taxes as required by law. The clerk receiving these returns casts them up, certifies the result to the secretary of state, and issues a certificate of election to the person receiving the highest number of votes.

267. Vacancy. When a vacancy occurs in a senatorial district, the governor issues a writ directed to the sheriff of the county first named in the law establishing the district. The sheriff thus addressed issues a proclamation or notice of election, and transmits a copy of the notice and of the writ to the sheriffs of the other counties in the district. An election is then held upon the day named by the governor, and the person thus selected fills out the unexpired term of office.

LEGISLATIVE PROCEEDINGS.

268. Law-making. The specific work of the general assembly is the making of laws for the government and protection of the people of the state. A large variety of

subjects receives attention. The legislature defines crimes and provides for their punishment; creates offices, establishes institutions, and provides for public highways; makes laws regulating railroads, express companies, and other corporations. Money is appropriated for the suppression of lawlessness, the expense of education, and for the enforcement of law in all of its branches. We now direct attention to a few of the processes of law-making.

269. Bills. A bill is a proposed law. Its introductory clause is, "Be it enacted by the general assembly of the state of Missouri, as follows:" A bill may originate in either house, and it may be ratified, amended, or rejected by the other. In no case can it become a law without the affirmative vote of both houses. With the exception of general appropriation bills, it must contain but one subject and that must be clearly stated in the title.

270. Consideration of Bills. Any member may introduce a bill, but it must be referred to a committee for recommendation. If reported upon favorably it is engrossed, and then printed for the information and use of the members. Bills may be introduced by committees also. When definitely brought before the body, by either method, a bill is read upon three separate days, opportunity being given for a full discussion of its provisions, and put upon its final passage. In order to pass it, a majority of all the members elected must vote in favor of the measure. The vote is taken by yeas and nays and the names of all members voting for and against must be entered upon the journal. It is then sent to the other house where similar proceedings are had.

271. Signing. After passing both houses, the bill is presented to the presiding officer of each house for his signature. He causes it to be read at length in open session, after which he signs it, unless objection be made that the bill has been changed "by substitution, omission, or insertion." All objections are passed upon by the body, and, if they are sustained, the presiding officer withholds his signature, otherwise he signs it.

272. Governor's Signature. When the bill has been signed as outlined above, it is then the duty of the secretary of the senate, if the bill originated in the senate, or of the clerk of the house if it originated there, to present it in person to the governor for his consideration. Every such bill which receives the approval of the governor, if returned within ten days to the house in which it originated, becomes a law, unless it violates some provision of the constitution.

273. Veto. If the governor does not approve the bill, he returns it with his objections to the house in which it originated. At its convenience, the house reconsiders the bill after the following order:

1. The objections of the governor are entered at large upon the journal.
2. The vote is then taken by yeas and nays upon the question, "Shall the bill pass, the objections of the governor thereto notwithstanding?" the names being entered upon the journal.
3. If two-thirds of all the members elected vote in the affirmative, the bill, with the objections of the governor, must be sent to the other house where similar proceedings are had.

4. If the other house shall pass it by a like vote, it becomes a law, notwithstanding the veto of the governor.

274. Should the governor fail or neglect to return any bill **within ten days**, the general assembly, by joint resolution, directs the secretary of state to enroll it as "an authentic act," unless the legislature should adjourn in the meantime, in which case the governor may return it within thirty days to the secretary of state with or without his approval.

275. **The Governor signs** all resolutions which require the concurrence of both houses, with the exception of questions of adjournment, resolutions submitting amendments to the constitution, resolutions to go into joint session, and resolutions declaring a bill a law by the neglect of the governor to sign it.

276. When Operative. Except the general appropriation act, all laws enacted by the general assembly take effect ninety days after the adjournment of the session, unless, by a vote of two-thirds of each house, an emergency clause be adopted. In the latter case it takes effect at once.

LEGISLATIVE LIMITATIONS.

277. Order of Appropriations. All money belonging to the state must go into the treasury, and cannot be diverted from its proper use without violating the constitution. Money can be drawn out of the treasury only in pursuance of regular appropriations made by law.

The following is the order in which the successive general assemblies must make appropriations:

First.—To provide for the payment of the interest on the bonded debt of the state.

Second.—Not less than two hundred and fifty thousand dollars must be appropriated for the benefit of the sinking fund.

Third.—For free public school purposes.

Fourth.—For expenses of assessing and collecting the revenue.

Fifth.—For the payment of the civil list.

Sixth.—For the support of the eleemosynary institutions.

Seventh.—For the pay of the general assembly, and such other expenses, not prohibited, as may be deemed necessary.

278. Prohibitions. There are numerous things mentioned in the constitution which the general assembly cannot do. These may be designated as prohibitions. The following are among them:

1. To contract or authorize the contracting of any debt on behalf of the state, except, (1) for the renewal of existing bonds, or, (2) for meeting a casual deficiency of the revenue.
2. To lend the credit of the state in aid of any person, association, or corporation.
3. To grant public money to any individual or corporation, except in a case of public calamity.
4. To authorize any city, town, county, township, or other sub-division of the state, to lend its credit, or to grant public money to any individual or association.
5. To grant extra fees or allowance to a public officer, servant or contractor after the service has been rendered in whole or in part.
6. To subscribe stock in behalf of the state for any

purpose whatever, except to secure loans heretofore extended to certain railroads.

7. To release the lien held by the state upon any railroad, or to change the tenor or meaning of it.

8. To pass any local or special law, except on petition as provided by the constitution. Under this head there are enumerated some thirty-two points.

9. When assembled in extra session, the assembly can consider such questions only as have been mentioned in the proclamation calling the session, or recommended by the governor in a special message.

10. The general assembly has no power to move the seat of government from Jefferson City. This must be done by an amendment to the constitution.

279. **The Assembly possesses many positive powers, but it would be an endless task to attempt to enumerate them. The framers of the constitution choose to state the things they should not do.**

280. **Stimulating Questions.** 1. What kind of men should be selected to make the laws for Missouri?

2. How often should the laws of the state be changed?

3. What are some of the subjects upon which we need legislation at this time?

4. Why not allow counties to take stock in railroads and other corporations?

5. Name the representative from your county and the senator from your district. When will their terms expire?

6. State several reasons for giving to the governor the power to veto a measure passed by the general assembly.

CHAPTER X

STATE GOVERNMENT (CONTINUED)

EXECUTIVE DEPARTMENT

281. Necessity. In the preceding chapter, we have discussed the legislative branch of state government. We learned that representatives of the people, assembled in a legislative capacity, make such laws as are deemed necessary to the peace and safety of all citizens. But as these laws must be enforced, it becomes necessary to choose a separate list of officers into whose hands this trust is committed. We now direct attention to these executive officers.

282. Elective Officers. The chief elective executive officers of the state are the governor, lieutenant-governor, secretary of state, state treasurer, state auditor, attorney general, superintendent of public instruction, and three railroad commissioners. They are all elected by the people, and, with the exception of the lieutenant-governor, they are required to reside at the seat of government and to keep the public records, books, and papers, at that place. All serve for four years, except the railroad commissioners who are elected for a term of six years. The governor and treasurer cannot be re-elected as their own successors.

283. Election Returns. The returns for the election

of the above officers are transmitted by the county clerks of the various counties to the secretary of state, directed to the speaker of the house of representatives. Immediately after organization, the two houses meet in joint session and the speaker opens the returns and publishes them, a majority of each house being present. The person having the highest number of votes for either of the offices is declared duly elected. In case two persons have "an equal and the highest number of votes," the general assembly decides by joint ballot which person shall serve.

284. Governor. The office of governor is one of great dignity and responsibility. Upon a faithful discharge of the duties of the position, and upon a judicious exercise of its powers, depend, in no small degree, the prosperity of the state and its reputation abroad.

285. Title. The constitution says: "The supreme executive power shall be vested in a chief magistrate, who shall be styled 'The governor of the state of Missouri.' "

286. Qualifications. The governor must be:

1. Thirty-five years of age.
2. A male citizen.
3. A citizen of the United States ten years.
4. A citizen of Missouri for seven years immediately preceding his election.

287. Powers and Duties. The governor is a conservator of the peace throughout the state. Among his more specific duties may be given the following:

1. He must distribute the laws and faithfully execute them.

2. He is commander-in-chief of the state militia which he may call into the service of the state at any time,

- (1) To execute the laws.
- (2) To suppress insurrections.
- (3) To repel invasions.

3. He may grant pardons, reprieves and commutations after conviction, of which he must make full report to the general assembly. This power does not extend, however, to cases of treason nor to conviction on impeachment. A **pardon** remits the penalty, forgives the offense, and releases the offender. A **reprieve** suspends for a time the execution of the death penalty in a given case. New evidence may be discovered, and a reprieve gives time for a full investigation. A **commutation** changes the penalty already assessed to a lighter one; as, when the death penalty is changed to imprisonment. “**Treason** against the state can consist only in levying war against it or in adhering to its enemies, giving them aid and comfort.”

4. The governor must give the general assembly information concerning the government of the state, and make such recommendations as to him may seem advisable. It is thus made his duty to keep himself informed concerning the needs of the commonwealth. He is presumed to be able to advise the legislators in all matters pertaining to the general welfare.

5. On extraordinary occasions he may convene the general assembly in extra session. He is to judge as to what shall constitute an extraordinary occasion, but as the legislature meets but once in every two years, cases of emergency may arise during any recess of the body.

6. He must account for all moneys received from any funds subject to his order.
7. Unless otherwise provided by law, he appoints persons to fill all vacancies in office.
8. He must examine all bills passed by the general assembly and approve or veto them. In considering appropriation bills, he may object to certain items and approve others, if he desires.
9. With certain exceptions already mentioned, he must sign concurrent resolutions.
10. He may require written reports from the executive officers and from the officers and managers of the state institutions. The facts concerning the expense and management of these institutions are thus given to the people.
11. He commissions all officers not otherwise provided for by law.
12. The governor is a member of several of the state boards and in connection therewith he discharges numerous duties.
13. By and with the advice and consent of the senate, he appoints military officers, and the members of the boards of the educational, reformatory and eleemosynary institutions supported by the state.

288. Lieutenant-Governor. For obvious reasons, the lieutenant-governor must possess the same qualifications as the governor.

289. Powers and Duties. By virtue of his office, he is president of the senate, and as such, he discharges the duties which usually devolve upon the presiding officer of a legislative body. "In committee of the whole, he

may debate all questions ; and when there is an equal division he shall give the casting vote in the senate, and also in joint vote of both houses." The constitution says : " In case of death, conviction on impeachment, failure to qualify, resignation, absence from the state, or other disabilities of the governor, the powers, duties, and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the lieutenant-governor."

290. Qualifications of other officers. To be eligible to the office of secretary of state, state auditor, state treasurer, attorney general, or superintendent of public instruction, a person must possess the following legal qualifications :

1. He must be a male citizen of the United States.
2. He must be at least twenty-five years of age.
3. He must have resided in Missouri at least five years next before his election.

291. These are important servants of the people, and great care and judgment should be exercised in their selection. **Each citizen** has his duty in the matter. Desire for office does not guarantee qualifications. Is the candidate honest ? Is he fitted for the position to which he aspires ? These are questions which should be answered by patriotic citizens. We direct attention to a few of the duties of each of the above officers.

292. Secretary of State. The secretary of state has charge of the state seal, with which he authenticates all official acts. He is required to keep a record of the official business transacted by the governor, and to furnish to the general assembly, when necessary, certified copies



of the same, together with all papers relating thereto. He keeps "all public records, rolls, documents, acts, resolutions, and orders of the general assembly," and he must make and attest copies of them when requested. Before entering upon his duties, he must give an approved bond in the sum of ten thousand dollars, conditioned upon the faithful discharge of his duties.

293. State Auditor. The auditor must give a bond in the sum of fifty thousand dollars, with not less than five sureties. He is the general accountant of the state, having charge of the accounts, vouchers, documents, bonds, and coupons. The statutes require that he shall audit and settle all accounts against the state; draw all warrants upon the treasury, designating in each case the fund from which it is to be paid; audit and settle accounts of collectors of revenue; keep an account between the state and the treasurer; keep an account of the debits and credits between the state and the United States; and direct the prosecution of delinquents in matters relating to his office. He must give information to either house of the general assembly, when requested, upon matters pertaining to his office. He is required also to make a detailed statement to the general assembly of the financial condition of the state, including sources of revenue, the public debt, and estimates of appropriations needed to defray the expense of the government for the two succeeding years.

294. State Treasurer. The treasurer is required to give a bond for five hundred thousand dollars, with ten sureties approved by the governor, conditioned upon the faithful discharge of his duty, and upon the safe keep-

ing of the funds of the state. He is the custodian of the moneys belonging to the state. He disburses the funds in his possession only upon warrants drawn upon the treasury according to law. He keeps an account of the separate funds, of appropriations made therefrom, and of all disbursements. He makes a monthly report to the governor, giving a detailed account of the condition of the treasury. At the beginning of each regular session of the general assembly, he makes a full report to that body, giving in detail the transactions of the department during the two preceding years. He selects a bank for the deposit of the state money, the selection being approved by the governor and attorney general.

295. Attorney General. Among the duties of the attorney general are the following: 1. When so directed by the governor, he aids the prosecuting attorney of any county in the discharge of his duties. 2. When requested by the general assembly or by either house, by any state officer, or by any prosecuting attorney, he is required to give a written opinion upon any point of law. 3. He represents the state in all civil actions.

296. State Superintendent. The superintendent of public instruction is elected two years after the election of the above officers. He must give a ten-thousand dollar bond with two or more sureties approved by the secretary of state, conditioned upon a faithful discharge of his duties and upon the safe keeping and proper application of all moneys coming into his hands. He has general supervision of the school funds, distributes and executes the school law, grants state certificates to such as pass a satisfactory examination, visits the schools of

the state, spending at least five days of each year in each congressional district, and makes an annual report to the general assembly, if that body is in session, and if not then to the governor.

297. Railroad Commissioners. There are three railroad commissioners elected by the people for a term of six years, one being elected every two years. Each must give a bond for twenty thousand dollars. No one holding any railroad bonds or owning other railroad property, or in the employ of any railroad or transportation company, or in any way interested in such, is eligible to the office. This board of commissioners has in charge the execution of the laws relating to the management of the railroads of the state, including freight rates and the inspection of the roads.

298. Appointive Officers. The following are appointive officers under the state: Insurance commissioner, adjutant general, labor commissioner, warden of the penitentiary, quarter master, inspector general, librarian, state geologist, grain inspector, tobacco inspector, coal oil inspector, and commissioner of the seat of government. Following is a statement of a few of the duties of each.

299. Superintendent of Insurance. The insurance department looks after the execution of all laws which relate to insurance in Missouri. The superintendent, who is appointed by the governor, must be a citizen of the state, and experienced in insurance matters. He must give a bond for one hundred thousand dollars, with five or more good sureties, approved by the attorney general and state auditor. His office is in St. Louis where he must keep on file all books and papers pertaining to

the department. He issues certificates of authority to companies to transact insurance business in the state, examines the condition and management of insurance companies, inquires into the violation of insurance laws, and makes an annual report of the business of his department.

300. Warden of the Penitentiary. The warden of the penitentiary is appointed by the governor by and with the advice and consent of the senate. His bond is forty thousand dollars. Under the direction of the board of supervisors, he has general control and supervision of the penitentiary. He prescribes the quality, quantity, and articles of food for the convicts ; makes rules for the government of subordinate officers and employees ; has charge of the prison property, and manages the financial interests of the prison. He lets the contracts for convict labor, and makes a monthly report to the state treasurer of receipts of money.

301. The Adjutant General is *ex-officio* quarter-master-general, chief of ordnance, paymaster-general, and commissary-general. He must give a bond in the sum of twenty thousand dollars. He issues and transmits all orders of the commander-in-chief regarding the militia ; furnishes commissions to all officers appointed by the commander-in-chief; keeps a record of all orders and regulations ; and furnishes blanks, muster-rolls, etc., to the militia. He has charge of the arms, equipments, and munitions of war, and may issue the same under certain conditions prescribed by law.

302. Labor Commissioner. This officer is appointed by the governor for a term of two years. He inspects

mines, factories, warehouses, elevators, workshops, tunnels, foundries and other manufacturing establishments. He gathers information concerning labor, and uses his influence to secure a peaceable settlement of strikes and other labor troubles.

303. Grain Inspector. A chief inspector of grain is appointed for a term of two years by the board of railroad and warehouse commissioners. The law requires that he shall be an expert judge of grain, and in no way interested in any warehouse in this state. He has general supervision of the grain inspection as regulated by the laws of the state. The board of commissioners makes all rules and regulations and they fix the compensation of the inspector.

304. The Tobacco Inspector is appointed by the governor for a term of two years. His office is in the city of St. Louis, and it is his duty to inspect and examine all tobacco presented for that purpose, and to "auctioneer and sell" the same.

305. An Oil Inspector is appointed by the governor for a term of two years for the cities of St. Louis, St. Joseph, Kansas City, Hannibal, and such other cities and such counties as may petition therefor. Each inspector must be a resident of the city or county for which he is appointed. It is his duty to inspect, gauge, and brand oils and other fluids when called upon for that purpose. He is paid by fees collected from the persons making use of his services.

306. The State Librarian is appointed by the supreme court, and he is the custodian of the books, maps, and charts belonging to the state library. He makes a

catalogue of such books, and purchases such volumes as the supreme court may require. His salary is nine hundred dollars.

307. **The State Geologist** is appointed by the board of managers, under whose direction he works. He must be well versed in mineralogy and geology, and he must not be connected with any school or college. He is required to make the geological survey of the state, and to collect such ores, rocks, fossils, and other mineral substances of scientific or practical interest or value as may be discovered, and as may be of use in making a complete cabinet collection of the state. His compensation is fixed by the board of managers, but it must not exceed three thousand dollars per annum.

308. **The Commissioner of the Permanent Seat of Government** is appointed by a board. He has charge of the capitol, provides fuel, oil, etc., for the general assembly, superintends repairs, and attends all visitors. His compensation must not exceed three hundred and fifty dollars per year.

309. State Boards. There are numerous boards which have in charge the general management and administration of different departments of government. The following are the principal ones :

310. Penitentiary Inspectors. The state treasurer, state auditor, and attorney general constitute this board. They must visit the penitentiary once each month and keep themselves informed as to the management of the prison. This Board approves all rules and regulations for the government of the convicts, and inquires into alleged misconduct on the part of officers and employees.

311. Board of Equalization. This board adjusts and

Governor, equalizes the assessments of real
State Auditor, and personal property in the various
State Treasurer, counties of the state. They meet
Secretary of State, once every year at Jefferson City,
Attorney General.

on the last Wednesday in February.

312. Public Printing. This board lets the contracts

State Auditor, for, and has general supervision of
State Treasurer, the printing that must be done by
Secretary of State.

313. Education. The general supervision of the

Superintendent of Schools, public schools is vested in this board.
Governor, They direct the investment of the
Secretary of State, school money, and see that all
Attorney General. funds are properly applied.

314. Board of Agriculture. The governor, the state superintendent of public instruction, and the dean of the agricultural college are *ex-officio* members of this board. In addition to these, the governor appoints one member from each congressional district. The board looks after the general agricultural interests of the state. The secretary of the board publishes each week a report of crops and the general condition of the weather in the various localities, and gives special attention to the holding of "Farmers' Institutes."

315. Board of Geology and Mines. This board is composed of the governor, who is president, and four citizens appointed by him by and with the advice and consent of the senate. They appoint the state geologist, and have in charge the general supervision of the geological surveys.

316. The Fish Commission is composed of three members appointed by the governor. They have in charge the state hatchery and the distribution of fish for the stocking of the streams of the state.

317. Board of Health. The seven members composing this board are appointed by the governor. At least five of them must be graduate physicians in good standing, and must have been residents of the state at least five years. The board looks after the health and sanitary conditions, and may recommend rules for the preservation of health, and for protection against epidemics.

318. Board of Immigration. There are three members of this board, appointed by the governor. They use such means as may be at their disposal to advertise the advantages of the state, with a view to securing immigration.

319. Salaries of State Officers.

Governor	\$5,000.
Lieutenant governor	\$1,000.
Secretary of state,	
Salary . . .	\$2,500
Fees	<u>500</u> . . . \$3,000.
State treasurer	\$3,000.
State auditor	\$3,000.
Attorney general	\$3,000.
Superintendent of schools	\$3,000.
Railroad commissioner	\$3,000.
Superintendent of insurance	\$3,000.
Adjutant general	\$2,000.
Labor commissioner	\$2,000.
Warden of the penitentiary	\$2,250.

These officers are public servants. Republican government is the outgrowth of the needs and demands of a free people. As the people cannot meet to discuss and decide all the questions involved in the administration of the affairs of state, representatives are selected into whose hands are committed these important trusts. Legislators are chosen to make such laws as are necessary to the peace and prosperity of the people; executive officers are charged with the enforcement of these laws, while courts are established to interpret and apply them. These officers thus become the servants of the people to whose interests they devote their time and talents. They must therefore be paid reasonable salaries to justify them in giving up their private business. The people aim to select those who are the most worthy of confidence and the best qualified for the duties of the various posts. That good men are usually selected cannot be denied, but that mistakes are made at times must also be admitted. The legislator may forget his constituents, the executive may become reckless, and the judge may not always mete out justice; but in such cases the remedy is found in the short term of office and in the ability and right of the people to choose a successor. Thus the people may be held responsible for foolish measures and extravagant expenditures.

320. Stimulating Questions. 1. What good reasons can be given for limiting the governor and treasurer to one term? Why not extend the limitations to the other state officers?

2. What relation exists between the state auditor and the state treasurer?

CHAPTER XI
STATE GOVERNMENT (CONTINUED)
JUDICIAL DEPARTMENT.

321. Purposes. The legislative body makes the laws, the executive enforces them, but it devolves upon the judicial department to interpret them and to decide as to their application to particular cases. The general purposes for which the courts exist may be given as follows :

1. To decide questions involving the constitutionality of any law. If resistance is made to the enforcement of any provision upon the ground that it violates the constitution, it devolves upon certain courts to determine the question.
2. To decide questions involving personal and property rights. Disputes frequently arise as to the rights of property, and in all such cases there must be some source of authority ; otherwise there would " be no end to controversy."
3. To determine the guilt or innocence of persons charged with the violation of the laws regulating the peace and good order of society.

322. Where vested. The judicial power of the state is vested in the supreme court, the courts of appeals, circuit courts, criminal courts, probate courts, county courts, and municipal corporation courts.

323. Importance. The peace of society depends in no small degree upon the efficiency of the courts in the

administration of the laws. "The law's delay" and the uncertainty of just and adequate punishment of criminals have been largely responsible for the undue prevalence of crime and for the frequency of lynchings in certain localities. It required one year to determine the guilt and responsibility of a confessed assassin of the president of the United States. The greater the crime the more noted becomes the criminal. On the other hand, a swift meting out of merited punishment becomes a terror to evil doers. The greater the certainty of punishment, the less the probability of an infraction of the law. Macy has well said: "A thorough knowledge of what the courts will do tends to diminish the business of courts. If it is reasonably certain that a crime will be promptly and justly punished, the crime is not likely to be committed. If men can know in advance how the courts will decide a disputed claim, they are likely to settle the case themselves, without the annoyance of a lawsuit."

324. Courts of Record. Courts of Record are those which are required to keep "just and faithful records of their proceedings ;" that is, they are the courts that must keep a record of their transactions. The supreme court, courts of appeals, circuit courts, county courts, and probate courts are designated by the statutes as belonging to this class.

325. Requirements. There are regulations with which all courts of record must comply. They must keep a seal ; the clerk is required to make out a docket ; the entries of orders and the proceedings of each day must be read in open court on the following morning, except on the last day of the term when the minutes of

the entire term must be read by the clerk and signed by the judge ; all records must be kept in the English language ; the sittings must be public, and no court can sit on Sunday or transact business on that day, except to receive a verdict or to discharge a jury.

326. Powers. All courts have the power to issue such writs as are necessary to the transaction of their business ; and they may require the return of writs and processes. They may appoint interpreters and translators ; hold adjourned or special sessions ; and punish persons for contempt. The judge has superintending control of the keeping of the records.

327. Prohibitions on Judges. There are certain restrictions imposed upon judges of courts of record. We give three of them. No judge can sit in the trial of any case in which he is interested, or in any case in which he is related to either party, or in any case in which he has been counsel. With the exception of members of the county court, no judge can practice law in any court in the state, except as provided otherwise by law. No judge can have a partner practicing in any court over which he presides as judge. The purpose of these prohibitions would seem to be to remove all temptation to being biased by personal considerations.

328. Removal of Judge. In case of inability of any judge to discharge his duties, arising from sickness, or physical or mental infirmity, the general assembly may, by a two-thirds' vote of each house, and by the approval of the governor, remove such person from office.

329. Legal Terms. In order to understand fully a discussion of this branch of government it will be neces-

sary to explain and define a few of the legal terms which are frequently used.

330. Jurisdiction. Jurisdiction is the legal authority to hear and determine a suit or action in court. It is of two kinds, original and appellate. Original jurisdiction is the right to try a case in its commencement; while appellate jurisdiction is the right to try a case on appeal. If a cause can be heard in but one court, then that court has exclusive jurisdiction of that case; and if a case may originate in either of two or three courts, then they have concurrent jurisdiction.

331. Cases. A civil case is one which arises between private citizens for debt or for injury to property or person. **Criminal** cases are those in which a person is charged with the commission of some crime.

332. Parties. There are two parties to every suit, the plaintiff and the defendant; the former makes the complaint or accusation, and the latter is the person against whom the suit is brought.

333. Felony. A felony is any crime punishable by death or by imprisonment in the penitentiary. If it is punishable by death it is called a capital crime.

334. Arson. Arson is the malicious burning of dwellings or other buildings. It is of various degrees as defined by the statutes of the state.

335. Misdemeanor. A misdemeanor is an offense which is punishable by fine or by imprisonment in the county jail or both.

336. Classes of Courts. We will now take up the different kinds of courts, calling attention to such matters as may be necessary to a correct understanding of them.

Justice's courts have been discussed in connection with the township.

337. Municipal Corporation Courts. These courts have received some attention in the chapter on "cities and villages." The judicial power over crime in cities of the first class is vested in the police courts; in cities of the second and third classes it is vested in the court of the police judge, and in fourth class cities it is vested in the mayor's court. In villages it is vested in the chairman of the board of trustees.

338. County Courts. See Chapter VI.

339. Probate Courts. See Chapter VI.

340. Circuit Courts. These are courts of higher grade than either of the above. There are twenty-nine judges elected who hold court in each county of their respective districts.

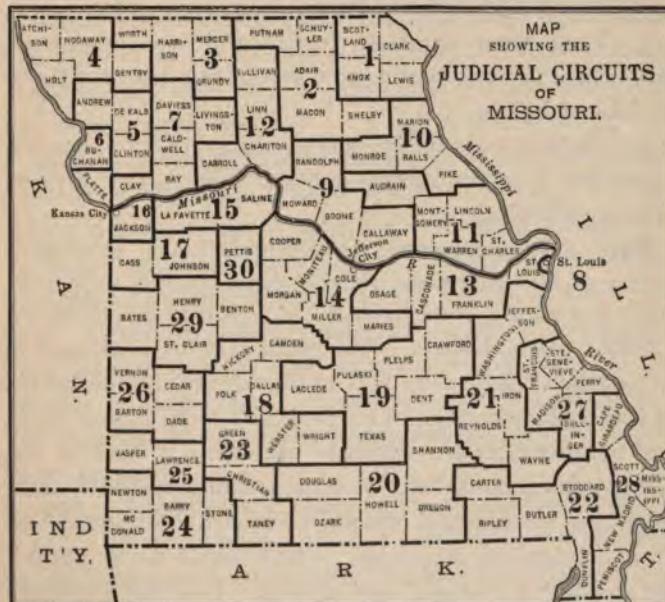
341. Circuits. At the present time the state is divided into thirty judicial circuits. These are changed by the general assembly from time to time as public convenience and necessity may seem to require. The map on page 115 gives the circuits as they are designated in the act approved April 7, 1892.

342. Election of Judges. Beginning with the election in 1892, one judge is elected for each circuit for a term of six years. The vote is taken in the same way as for other officers.

343. Qualifications. The judge of the circuit court must be at least thirty years of age; must have been a citizen of the United States for at least five years; must have been a qualified voter of the state for three years next before his election; must be a resident of the circuit

for which he is chosen, and must be learned in the law. In addition to the legal qualifications, there are points of special fitness which call for consideration by the voters. The office is one of great responsibility, and large business interests are involved. The peace and good order of society, and the safety of property and person depend in no small degree upon a faithful discharge of the duties of this office.

344. Map of Judicial Circuits.



345. Jurisdiction. Circuit courts have jurisdiction in the counties in which they are held as follows:

1. Over all criminal cases not otherwise provided for by law.

2. They have original jurisdiction in civil cases not cognizable before any of the lower courts and not otherwise provided for.

3. They have concurrent original jurisdiction with justices of the peace in all actions for the recovery of money when the sum demanded, exclusive of interest and costs, is more than fifty dollars and does not exceed two hundred and fifty dollars; and also in actions against railroads for the killing and injuring of stock without regard to the amount involved.

4. They have appellate jurisdiction over judgments and orders of the lower courts in all cases not expressly prohibited by law.

5. Circuit courts have general control over executors, guardians, curators, minors, idiots, lunatics, and persons of unsound mind.

346. Compensation. The circuit judge receives a salary of two thousand dollars and traveling expenses, paid out of the state treasury in monthly installments.

347. Grand Jury. The grand jury is composed of twelve men whose duty it is to inquire into the violations of law in the county. The jury sits with closed doors and the members are sworn to secrecy. If nine of the jurors, after a consideration of the testimony, vote in favor of putting the accused on trial, a formal accusation, called an indictment, is drawn up. The foreman writes upon it the words, "a true bill," and signs it. It is then presented to the court. The grand jury may present bills of indictment for either felonies or misdemeanors.

348. Provision has been made by the Legislature for filing what is known as an **information** before a

justice of the peace or before the circuit court. In this way expense and time are saved. The prosecuting attorney files the information, and the accused is put upon trial the same as in the case of an indictment. This process can be used, however, in cases of misdemeanors only.

349. Petit Jury. The petit, or trial jury, is composed of twelve members, and a unanimous vote is necessary to find a verdict. This body hears the evidence and arguments upon the question involved, and renders a decision. In criminal cases, the jury pronounces upon the guilt or innocence of the accused. If a verdict is not reached, the cause may be tried again, at the same or at the next term of court.

350. Common Pleas Courts. The statutes provide that when the term "circuit court" is used in any law which is general to the state, that it shall be construed to include "courts of common pleas," unless such construction would be inconsistent with the evident intent of the law. Courts of common pleas are courts of record, and they are subject to the restrictions and possess the powers of such courts. There are but four of them in the state, and they will be briefly discussed in the following paragraphs.

351. Louisiana. This court was first established in 1853. Its sessions are held at Louisiana, Pike county. It has concurrent jurisdiction in certain civil cases arising in that city and in the townships of Buffalo, Salt River, Peno, and Calumet. The judge of the circuit court is *ex-officio* judge of the common pleas court, and as such he receives the sum of two hundred and fifty dollars per annum.

352. Hannibal. The common pleas court at Hannibal was established in 1845. It has exclusive original jurisdiction in all civil actions arising in Mason and Miller townships, and it has jurisdiction of such criminal cases as come within the jurisdiction of the circuit courts of the state. It has superintending control over the recorder of the city of Hannibal and over the justices of the peace in the above townships. The judge of the circuit court is also judge of the common pleas court, and for this latter service he is paid by fees.

353. Cape Girardeau. This court dates back to 1851. Its jurisdiction is confined to civil cases arising in the city, township, and county of Cape Girardeau, having concurrent power with the circuit court in most cases. In cases appealed from the recorder's court of the city of Girardeau, and in cases tried before justices of the peace in the city and township of Cape Girardeau, it has exclusive jurisdiction. It has concurrent jurisdiction with the county court in all probate business. The judge must possess the qualifications of the circuit judge, and he is elected by the voters of the county for a term of four years. His salary is one thousand dollars, paid in the same manner as the salary of the circuit judge.

354. Sturgeon. The territory included within the jurisdiction of this court lies in several counties, as designated in the statutes of the state. It has concurrent original jurisdiction with the circuit court in all civil cases and with the justices of the peace in all civil cases, not exclusively cognizable before a justice. It has superintending control also with the circuit courts over

the justice of the peace. The judge of the ninth judicial circuit is *ex-officio* judge of this common pleas court.

355. Criminal Courts. Constitution: "The general assembly shall have no power to establish criminal courts, except in counties having a population exceeding fifty thousand." Five criminal courts have been established in the state, each of which is given consideration below.

356. Fifteenth Judicial Circuit. This court is composed of one judge who must have the same qualifications as the circuit judge. He is elected by the people for a term of six years. It has the same jurisdiction as the circuit court in criminal cases, and has appellate jurisdiction in cases arising from breaches of the peace and violations of town ordinances. It has power also to issue and determine writs of *habeas corpus*. Two terms are held annually in each of the four counties, Lafayette, Pettis, Saline, and Johnson. The salary of the judge is fifteen hundred dollars.

357. Jackson County. The judge of this court has the same power as the circuit judge in criminal matters, and the court has exclusive original and appellate jurisdiction in criminal cases in Jackson county. The judge must be at least thirty years of age, a resident of Jackson county, and he must have resided in the state one year. He must hold six terms of court each year, three in Kansas City and three in Independence. He receives a salary of fifteen hundred dollars.

358. Buchanan County. The judge must reside in Buchanan county, and he must possess the same qualifications as the circuit judge. He is a conservator of the

peace throughout the county, has power to issue and determine writs of *habeas corpus*, and, in criminal matters, possesses the same powers as the circuit judge. His salary is three thousand dollars.

359. Greene County. The law governing this court is about the same as that given in the preceding paragraph, except that the salary is two thousand dollars.

360. St. Louis. The St. Louis criminal court has all the original and appellate jurisdiction in criminal cases, other than misdemeanors, which is vested in the circuit courts. The judge must possess the qualifications of the circuit judge. He is elected by the qualified voters for a term of six years, and receives a salary of five thousand five hundred dollars.

361. Courts of Appeals. Two courts of appeals have been established in the state, one at St. Louis and the other at Kansas City. The principal object in view in the organization of these courts was to provide some relief to the supreme court.

362. Districts. The state is divided into two districts, the territory covered by the St. Louis court being as follows: The counties of Monroe, Shelby, Knox, Scotland, Clark, Lewis, Marion, Ralls, Pike, Lincoln, Montgomery, Warren, St. Charles, St. Louis, Jefferson, Ste. Genevieve, Perry, Cape Girardeau, Scott, Mississippi, New Madrid, Pemiscot, Dunklin, Stoddard, Wayne, Bollinger, Madison, St. Francois, Washington, Franklin, Crawford, Iron, Reynolds, Carter, Butler, Ripley, Oregon, Shannon, Dent, Phelps, Pulaski, Texas, Howell, Ozark, Wright, Douglas, Laclede, Webster, Christian, Taney, Stone, Greene, Lawrence, Barry, Newton, McDonald, Au-

drain and the city of St. Louis. The jurisdiction of the Kansas City court extends over the remaining counties of the state.

363. Judges. Each of these courts is composed of three judges who are elected by the qualified voters of their respective districts. They must possess the same qualifications as members of the supreme court. The term of office is twelve years, one judge of each court being elected every four years. Each is a conservator of the peace in each of the counties of his district.

364. Jurisdiction. These courts have appellate jurisdiction only. They issue certain remedial writs, and have superintending control over all inferior courts of record. Appeals from them lie to the supreme court. Writs of error may issue from the latter in all cases where the amount involved, exclusive of costs, exceeds the sum of twenty-five hundred dollars; in cases involving the construction of the state or national constitution; in cases involving the authority of the United States; in cases involving the revenue laws of Missouri, or the title to office in the state; and in cases concerning the title to real estate; and in cases where a political division of the state, or a state officer is a party; and in all cases of felony.

365. Terms of Court. Two terms of court must be held each year, one beginning on the first Monday in March and the other beginning on the first Monday in October.

366. Opinions. The opinions or decisions of a court of appeals must be in writing, and they constitute a part of the record. As far as applicable, the laws relating to the practice in the supreme court apply to these courts.

367. Compensation. The salaries of the judges are paid out of the treasury of the state. The judges of the Kansas City court receive three thousand five hundred dollars, and those of the St. Louis court receive five thousand five hundred dollars per annum.

368. The Supreme Court. The supreme court is the highest judicial tribunal in the state. As organized at this time, it is composed of seven judges, elected by the voters of the state for a term of ten years.

369. Qualifications of Judges. Judges of the supreme court must have the following qualifications:

1. They must be at least thirty years of age.
2. They must be citizens of the United States.
3. They must have been citizens of this state five years immediately preceding election or appointment.
4. They must be learned in the law.

370. Jurisdiction. Except as otherwise directed by the constitution, the supreme court has appellate jurisdiction only, which is coextensive with the state. "Its only original jurisdiction is to issue high prerogative writs." It has general superintending control over all inferior courts. It has "power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, and other original remedial writs, and to hear and determine the same."

371. Terms of Court. The supreme court holds two terms each year at Jefferson City, beginning on the second Tuesday in April and in October. Special terms may be held also.

372. Compensation. The judges receive from the treasury of the state, a salary of four thousand five hundred dollars.

373. Appointive Officers. A marshal is appointed by the court, who attends the sittings of the body and performs such duties as usually devolve upon such an officer. He receives four dollars per day besides such fees as are usually allowed sheriffs for similar duties. This body appoints also an official reporter whose duty it is to report the opinions and decisions of the court. He receives a salary of three thousand dollars per annum. He is an officer of the supreme court and has full access to the records. He holds office during the pleasure of the court. The constitution provides that this court shall also appoint a clerk who shall hold office for six years. His office is kept in the supreme court building at Jefferson City. He has charge of the records and under the direction of the judges he makes out the docket. He also makes such copies of the records and briefs as the law or the court may direct. He may employ two deputies and such other assistants as may be necessary. Each of the courts of appeals also appoints a reporter, marshal, janitor, and such other officers and attendants as are provided for the supreme court.

374. Stimulating Questions. 1. Should members of the supreme court be elected or appointed? Why?

2. Should they hold office for life or during good behavior? Give reasons.

3. Who is the presiding judge of the supreme court at this time?

4. Name the members of the supreme court and of the court of appeals of your district.

5. Who is the circuit judge of your county and what counties are included in his circuit?

CHAPTER XII

RIGHTS AND DUTIES

375. Article II. of the constitution of Missouri, known as the **Bill of Rights**, is devoted to a statement of principles, rights, and duties. Many of them are found in the national constitution, as embodied in the first ten amendments to that document, but as they are of interest to each citizen of the state, it is well to study them in their local bearing and application. A classified list of the leading points is given below with such explanations as are necessary to a clear understanding of them.

376. Principles. There are certain fundamental principles which give character and individuality to government.

1. The people are the source of power. In a democracy, the will of the people is supreme. In a republic, representatives are chosen to carry out the known will of the people. Constitutions are made and submitted to the whole body of the citizens for their ratification or rejection. When adopted, these constitutions represent the powers and limitations of government as sanctioned by the judgment of the people. The people regulate the local government, including the state, county, township and city, and they alter or abolish their constitution whenever it may seem best, provided, of course, that nothing is

done in violation of the provisions of the constitution of the United States. The people select legislative, executive, and judicial officers, and delegate to them, for the time, full authority to represent them and serve them in all matters relating to the administration of state affairs.

2. Government is organized to promote the general welfare. The greatest good to the largest number is a fundamental principle. Individual and private rights must not subvert the general interests. Popular government looks to the advancement and protection of those interests which meet the needs of the people as a whole. Furthermore, government must secure public convenience and render a real service to the citizenship of the state. Class legislation is severely condemned by the constitution.

3. Elections are free and open. The rights of the voter are carefully guarded and protected. No people can be free without an open ballot. The adoption of the Australian ballot system was a step in the direction of a freer and purer ballot. Every voter can demand that his voice shall be heard in the settlement of public questions. The humblest citizen, as a citizen, has equal rights with the most highly favored.

4. The military power is subordinate to the civil authority. Ample provision has been made for the execution of the law in case of failure on the part of the civil power. The people are careful to exercise the power which is given to them, and they look with suspicion upon any increase of the military power, except in so far as it may be necessary to support the civil authorities. A strong military force, in the hands of a designing executive,

might be the means of subverting the will of the people, hence the insertion of this idea into the bill of rights. This is a day of arbitration and not of force. Men argue questions and compromise differences. They resort to the milder means. The bayonet has been supplanted by the ballot, as reinforced by the best judgment of the masses.

377. Rights of the State. There are certain rights which the state claims, and some of these are guaranteed by the constitution of the United States.

1. Missouri claims the right of local self-government. Her people will never consent to any change in the national constitution which would in any way impair this right. The state has individual and local needs of which the general government is not presumed to know and concerning which it may not be interested. Any other theory would be contrary to the true principles of American freedom. The national government possesses delegated powers, but the right to control the local affairs of a state is not among them.

2. "Treason against the state can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort." In order to convict a person of treason, two witnesses must testify "to the same overt act," or confession must be made in open court.

3. "The people have the right peaceably to assemble for their common good, and to apply to those invested with the powers of government for redress of grievances by petition or remonstrance." This is a right which has been claimed from the earliest beginnings of free government.

378. Personal Rights. There are rights, privileges,

and prerogatives guaranteed to each citizen of the state. We select a few of the more important.

1. "All persons have a natural right to life, liberty, and the enjoyment of the gains of their own industry." To secure these ends, government is organized, and the humblest citizen may demand protection in these matters.

2. Each person has a "natural and indefeasible right" to worship God according to the dictates of his own conscience. Human authority cannot interfere with the rights of conscience. Religious opinion cannot render a person ineligible for office, disqualify him from serving on a jury or giving testimony as a witness, nor deprive him of any right secured to him by the laws of the state or nation.

3. Each person has free access to the courts of justice. Person, property, and reputation may thus be protected, and that too "without sale, denial, or delay."

4. "The people shall be secure in their persons, papers, homes, and effects from unreasonable searches and seizures." It is sometimes necessary to search the houses of private citizens and make seizure of articles, but these matters have been very carefully guarded, that injustice may not be done to any one. A search warrant is directed to the sheriff or the constable; but it cannot be issued except upon probable cause supported by oath or affirmation; and the place to be searched, or the person or thing to be seized must be described.

5. For felony, no person "shall be proceeded against criminally, otherwise than by indictment." Felony and indictment have been explained in the preceding chapter. The object of this provision is to prevent hasty action

against persons accused of violating the law. Punishment should be meted out to all law-breakers, but there is nothing in the fundamental law of the state or nation to justify unreasonable haste. Lynchings are without sanction. Those who engage in them are themselves guilty of violating the law and the constitution.

6. Each person has the right "to keep and bear arms in defense of his home, person and property, or in aid of the civil authority." The law of self-defense is one of the first laws of nature, and this provision is a recognition of that principle. But this clause does not justify the carrying of concealed weapons, without permission of the authorities.

7. "No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in the manner prescribed by law." A man has the right to the enjoyment of the peace and protection of his own home. In time of peace, the will of the owner is absolute and even the army official must accept its decree. In time of war, however, it often becomes necessary to use private property for public purposes, allowing just compensation.

8. "Private property cannot be taken for public use without just compensation." In making public improvements, private property is frequently appropriated, but in every case provision is made for just and reasonable compensation. In the construction of railroads, the building of school houses, and the opening of public highways, private property must contribute to the public good. Were it otherwise, public interests would suffer at times, out of deference to individual desires, personal

greed, or peculiar whims. The right to thus take private property for public use is known as "the right of eminent domain."

379. Prohibitions. The constitution enumerates a number of prohibitions ; that is, a number of things which the state cannot do. We direct attention to the following:

1. No person can be compelled to contribute to any church, priest, or minister. This prohibition does not release a person from the performance of any voluntary contract which he may make in aid of religious work. A pledge to aid in the support of a minister, or to assist in the building or improvement of a church, or a promise to give aid to any other benevolent or religious institution or enterprise, is legal and of binding force.

2. Money cannot be taken from the public treasury, directly or indirectly, in aid of any minister or church institution.

3. No religious corporation can be established by the state.

NOTE.—These three principles look in the direction of a **complete separation of church and state**, which is a fundamental doctrine of true government. Each individual is left free to follow his own personal beliefs and desires. Public money, however, cannot be used for the advancement of any religious sect or denomination. Yet the protection of the state is guaranteed to each and to all in carrying out plans of church work and in the management of their benevolent institutions.

4. No law can be passed with a view to limiting the freedom of speech. No free government can prohibit a free interchange of opinion on all questions of public

moment. To do so would be to introduce the elements of a rank tyranny. All persons are free to write or speak what they please; yet each is held responsible for the abuse of this liberty. Punishment for libel and slander is provided by law, and the courts are frequently called upon to decide cases arising from accusations made against the character and good name of some citizen.

5. No *ex post facto* law can be passed. This clause is found in the national constitution also. A law is *ex post facto* which makes an act criminal that was not so when committed, or it increases the penalty of an offense after the commission of the crime. This prohibition is founded upon a self-evident principle of free government.

6. Imprisonment for debt is forbidden, except as a punishment for refusing to pay fines and penalties. Many honest men are unable to pay their debts, but the state refuses to say that they are criminals. Imprisonment for debt was a punishment inflicted under governments less liberal than our own, but in no state of our enlightened nation has such a measure been adopted.

7. Slavery is forbidden within the state.

8. The general assembly cannot attaint a person of treason or felony, neither can conviction work corruption of blood or forfeiture of property. This means that the state cannot assess as the punishment of treason or felony the extinction of civil rights nor the forfeiture of estate. This is another provision which is found in the constitution of the United States. Were it not for this clause, undue excesses and abuses might be practiced in times of political excitement by the infliction of the punishments here prohibited.

9. "The privilege of the writ of *habeas corpus* shall never be suspended," says the constitution of Missouri. The constitution of the United States, however, provides for the suspension of the privilege of this writ by the Federal government when the public safety may require it, as in the case of rebellion or invasion. In no other cases may it be suspended. It is a writ which is issued with a view to securing relief in the case of persons who have been illegally arrested. Inquiry is made into the legality of the restraint or confinement of the prisoner. The writ commands the person making the arrest to bring the prisoner into court. In the hearing, the prisoner may be remanded or discharged, but the court cannot determine "the rights of parties." The law of Missouri provides that the prisoner can be discharged in the following cases : (1) where the court or officer has exceeded his jurisdiction in issuing the process; (2) where something has occurred since his arrest which would entitle him to a release; (3) where the process is legally defective; (4) where the process has been issued under circumstances not allowed by law; (5) where the process was not issued by the proper person or where the prisoner is in charge of a person not authorized by law to detain him; and (6) where the process was issued without authority of law.

380. Rights of the Accused. Under our laws, both state and national, a person accused of crime is considered innocent until proved guilty. The rights of the accused are carefully guarded and respected.

1. The accused has a right to a speedy and public trial. Were it not for this provision, innocent persons might be

kept under charge of crime for indefinite periods simply to gratify personal spite. The question of his guilt shall be determined by an impartial jury of the county.

2. He shall be informed of the nature of the accusation, and have the right to compel the attendance of witnesses in his favor. If he is not able to employ counsel, then the court appoints a member of the bar to manage his case for him. Without these rights a prisoner charged with crime would be left in a helpless condition.

3. No one shall, for the same offense, be twice put in jeopardy of life or liberty. After a jury or court renders a verdict of acquittal, the accused cannot be brought into court a second time on the same charge. If the jury finds him guilty, provision is made by law in certain cases for a new trial, or for an appeal to a higher court.

4. The accused cannot be compelled to testify against himself. The statutes provide, however, that the accused, or the wife or husband of the accused, as the case may be, may, at the option of the defendant, testify in his own behalf or in behalf of a defendant or co-defendant, and shall be liable to cross-examination on the points testified to; provided, that husband and wife shall not disclose confidential communications had between them as husband and wife.

5. Except for capital offenses, all persons shall be bailable by sufficient sureties. Excessive bail is expressly forbidden, however. Otherwise this provision might be abused to the extent of rendering it inoperative.

6. Excessive fines and "cruel and unusual" punishments are forbidden. A fine is a penalty requiring the payment of a certain sum of money as a punishment

for violating the law. When imposed by magistrates it must be reasonable. In like manner extreme punishments are forbidden.

381. Duties. The exercise of privileges and the enjoyment of rights imply in return the performance of important duties. If the citizen has political rights of which he cannot be deprived, he has likewise political duties which cannot be justly neglected. The citizen's duties touch upon the making of wise laws and their execution and interpretation, the selection of honest and capable men for public office, the apprehension and punishment of criminals, and the encouragement of all those institutions which look to the good of the community and the state. The good citizen obeys the law, answers every demand made by government, and aids, by his knowledge and wisdom, in the solution of all questions of public policy. Good government depends largely upon a wise and conscientious citizenship. We cannot better close this topic than by making a quotation from Samuel Smiles: "Selfishly used," he says, "political power is a curse; intelligently and impartially used, it may be one of the greatest blessings to a community. If selfishness begins with the governing classes, woe to the country that is governed. The evil spreads downward, and includes all classes, even the poorest. The race of life becomes one for mere self and self. Principle is abandoned. Honesty is a forgotten virtue. Faith dies out, and society becomes a scramble for place and money. Yet there are men who have refused to be bought, in all times and ages. Even the poorest, inspired by duty, have refused to sell themselves for money."

CHAPTER XIII

CITIZENSHIP AND SUFFRAGE

382. Introductory. Individuality of citizenship is a characteristic of the American nation. The largest liberty consistent with the public good, has become a political maxim with us. Composed, as it is, of all nationalities, tribes, ranks, occupations, and faiths, the government preserves, nevertheless, the equality and individuality of citizenship. Freedom of thought is encouraged, individual opinion is allowed, and personal responsibility is recognized. Bancroft expresses it thus: "As the sea is made up of drops, American society is composed of separate, free, and constantly moving atoms, ever in reciprocal action, advancing, receding, crossing, struggling against each other and with each other; so that the institutions and laws of the country rise out of the masses of individual thought, which, like the waters of the ocean, are rolling evermore."

383. Citizenship. The fourteenth amendment to the national constitution says: "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherin they reside." Upon the character of this citizenship Woodrow Wilson makes the following statement: "Citizenship in the United States illustrates the double

character of the government. Whoever possesses citizenship in this country is a citizen both of the United States and of the state in which he resides. He cannot be a citizen of the United States alone, or only of a state; he must be a citizen of both or of neither: the two parts of his citizenship cannot be separated." Indians maintaining their tribal relations are probably excluded from citizenship. Foreigners, aliens, may be admitted to citizenship either by special legislative enactment, or by naturalization under the general laws. The admission of a foreign state or country into the union with all the rights and privileges of other states, would entitle its inhabitants to full citizenship.

384. Naturalization. Naturalization is the act of investing an alien with the rights and privileges of citizenship. The rules for naturalization are prescribed by congress, as authorized by the constitution. While it is subject to regulation by the national law-making body, the law provides that the state as well as the federal courts may pass upon applicants. At this time the following conditions are imposed upon those who seek admission to citizenship :

1. The applicant must have resided in the United States at least five years, and one year in the state or territory that admits him. During that time he must have conducted himself as a good moral man.
2. At least two years before his admission, he must appear in court and make oath or affirmation that it is his intention to become a citizen of the United States, and to renounce all allegiance to other governments. This is called his declaration of intention.

3. After two years more, making a residence of five years in all, he must appear in court again and take the oath to support the constitution of the United States, renouncing allegiance to all foreign powers, and especially to the government of which he is a subject or citizen. This is known as taking the oath of allegiance, and completes the act of naturalization.

4. The applicant must establish by at least two witnesses, who must be citizens, that he has resided continuously within the United States for five years, and one year, at least, immediately before taking the oath of allegiance, in the state or territory in which he makes application; that he has behaved as a man of good moral character, and shown himself to be disposed to good order; and that he has given evidence of his attachment to the principles of the government.

385. Certificate. He is then given a certificate of citizenship, properly attested by the clerk of the court, which entitles him to all of the rights of native born citizens, except that he cannot, under any circumstances, be elected to the office of president or vice-president; nor can he serve as a member of either house of congress until he has been a citizen a certain number of years, seven years being required for membership in the house and nine years for the senate.

386. Exceptions. But provision has been made for certain exceptional cases. Doubtless a rigid following out of the conditions given above would work serious hardship in many instances. Hence congress has modified the general provisions of the law so as to include the following:

1. The naturalization of the parent carries with it the naturalization of the children who are under twenty-one years of age and residing in the United States.
2. A soldier, twenty-one years of age, having served one year in the United States army, and receiving an honorable discharge, may be admitted to citizenship without previous declaration of intention, on giving proof of good moral character. The fact that he has given a year's service in defending the country from the attacks of the enemy, is taken as conclusive evidence of his devotion to the country and its interests.
3. A seaman who has made his declaration of intention, and who thereafter serves three years on a merchant ship of the United States, can be admitted to citizenship on proof of good conduct and that the above service has been rendered. This service on his part is regarded as a sufficient test of his fitness to become a citizen.
4. If the applicant was a minor under eighteen years of age when he came to this country, he may be admitted after the age of twenty-one years without previous declaration of intention, if he has resided five years in the United States, including the three years of his minority. During this time he has had opportunities for informing himself concerning the laws of the country, and has had time to form an attachment for our institutions.
5. A woman who is eligible to naturalization under the laws, is a citizen by virtue of being married to a citizen, or becomes a citizen on marrying a citizen.
6. All children born beyond the limits of the United States, whose fathers are citizens, are declared to be citizens. Mere accident of birth in this case is not

considered sufficient to debar one from citizenship. The presumption is that the father will instruct his child in such matters of government as will enable him to intelligently discharge his duties.

387. By Whom Admitted. The law specifies that the applicant must appear "before a court of record having common-law jurisdiction and a seal and clerk, or before a circuit or district court of the United States, or before the clerk of either of the said courts." It will be seen that the applicant need not be put to any great inconvenience, since courts of record are quite numerous, one or more being found in every community.

388. Rights. Constitution: "The citizens of each state shall be entitled to all the privileges and immunities of citizens of the several states." Once a citizen always a citizen. And herein is a recognition of the principle of inter-citizenship, first enunciated, it seems, in the articles of confederation. "Of old a family, a sept, a clan, a tribe, a nation, a race, owed its unity to consanguinity. Inter-citizenship now took the place of consanguinity; the Americans became not only one people, but one nation" (Bancroft). Again the constitution says: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." In the preceding chapter many of these rights were enumerated. They have been classified, by a recent writer, as coming under three general topics, viz.:

1. The right to personal security.
2. The right to personal liberty.
3. The right to acquire and enjoy personal property.

These are the privileges which arise by virtue of being a citizen of the United States. The citizen can demand protection in these, and the strength of the government is back of him. The alien must look to his own nation for a redress of grievances. But these are rights and privileges which seem to originate with the state. Says an eminent authority: "It must not be understood that the states are deprived of all jurisdiction to legislate respecting the rights and duties of aliens. They may permit or forbid persons of alien birth to hold, acquire or transmit property; to vote at state or national elections, etc." The latter privileges do not belong to United States citizenship as such.

389. Duties. The duties of citizenship have been referred to in the preceding chapter, and they will be taken up again in connection with the subject of suffrage. A compact citizenship, educated and patriotic, "is invincible by any force which our enemy can send against us." Whatever will strengthen and develop the citizen in his offices, broaden the sway of responsible government, and deepen true patriotic sentiment, will meet the approval and encouragement of those who appreciate the responsibilities resting upon American citizens. There are also duties relating to the financial burdens which should enlist the citizen. The expenses of government must be borne by those who are the recipients of its benefits. Taxation is a necessity, as all good citizens admit. At the same time, the burden of expense should be as light as the needs and demands of the state will permit.

390. Suffrage. It must be noted that some citizens

exercise rights, enjoy privileges, and assume responsibilities which do not belong to others. Suffrage, or the right to vote, is a special privilege conferred upon a certain class. Citizenship does not carry with it, as an inherent prerogative, the right of suffrage. Many citizens do not vote. Under present laws and conditions, probably not more than one in five of the inhabitants of the country vote in the various elections. Women and children are citizens, but the latter never vote, and the former are granted the right in a few states only.

391. By Whom Conferred. The right of suffrage is conferred by state laws and constitutions, and the qualifications of the voter are prescribed by the same powers. The constitution of the United States is comparatively silent upon these points. There are but three passages that touch upon them. The first is where it says that electors (meaning voters) of representatives "of each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature." According to this clause, whoever may vote for a member of the lower house of the legislature may vote for representatives in congress. If women, by state law, can vote for the former, they can vote for the latter also. Whatever qualifications are prescribed in the one case are prescribed in the other. No conditions are imposed by the national constitution, but those are left entirely to the states.

392. The second section of the **fourteenth amendment** says that whenever the right to vote at any election "is denied any of the male inhabitants of the states, being twenty-one years of age and citizens of the United States," the basis of representation, in that case, shall be reduced

in proportion. This is as near as the national constitution comes to stating the qualifications of a voter; yet the real purpose of the clause is to impose a penalty upon the state for disfranchising legal voters.

393. The third passage is found in the **fifteenth amendment**, where it says that "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude." This clause is prohibitory, and forbids "race, color, or previous condition of servitude" as tests of suffrage, but it does not state any positive qualifications of the voter.

394. States Decide. The regulation of suffrage, then, is left to the states, the national government reserving only a general supervision and control over the election of members of congress. Each state prescribes the qualifications of its voters. The right to vote in a state or local election carries with it the right to vote in a national election. If you cannot vote for local officers you cannot vote for national officers. Some states allow none but citizens to vote; others grant the right to foreigners also who have made their declaration of intention to become citizens. Among the latter are Alabama, Arkansas, Florida, Georgia, Kansas, Minnesota, Oregon, Texas, and Missouri. Some states require a property qualification, while others demand that the voter must have paid a poll-tax within a certain time. In Kansas women are allowed to vote in municipal elections, and in a few states they are allowed to vote in all elections by the people. Colorado belongs in the latter class, her people having adopted the suffrage amendment in 1893.

Lunatics, idiots, paupers, and persons convicted of high crimes are denied the right of suffrage.

395. Voters' Responsibilities Ours is "a government of the people, by the people, and for the people," and hence it is to the people that we appeal in cases of needed reform. Commenting on the preamble of the constitution, Bancroft says: "Here is no transient compact between parties: it is the institution of government by an act of the highest sovereignty; the decree of many who are yet one; their law of laws, inviolably supreme, and not to be changed except in the way which their forecast has provided." The people express their will by petition, by conventions, and by the votes cast in the elections. The measures thus adopted become binding upon all, and the officers thus selected become the servants and representatives of the people. Safe and judicious measures are demanded, and honest and capable officers are needed to make and execute the laws of the land. Vital questions are submitted to the voter and his best judgment is needed for their settlement. "To promote the general welfare," is one of the supreme ends of government. Individual interests must not conflict with it.

396. Voting a Duty. Voting is a positive duty. The man who enjoys the benefits arising from citizenship, should not forget the duties which grow out of his relations to government. His vote should be cast and his voice should be heard upon all questions submitted for solution. Yet there are those who are guilty of serious neglect in this matter. The *Sunday School Times* makes out a strong case against this class in the following paragraphs: "Apart from the comparatively few persons

who have conscientious scruples against voting, and who are, therefore, to be judged all by themselves in this matter, most of those who could vote, but who fail to do so, are neglectful of their plain duty through thoughtlessness or indifference. Many of them speak of their action, or their non-action, when they speak of it at all, as if they owed nothing to the government, and therefore did nothing for the government. They practically claim to live apart from the government, as neither dependent upon it nor responsible for it, and to be willing to do without the government, as the government must do without them. What if the government were to take such ungrateful citizens at their word, and withhold its protection and aid from them so long as they withhold respect and cooperation from it?

"In such a case, the streets would not be graded and paved in front of the homes of these citizens. Neither water nor gas would be brought to their houses. The fire department would not turn out to save their dwellings or stores from burning. The police would not protect their property or lives from depredation or violence. When they called for help for those dear to them, the government would shut its ears to their cry. No postal facilities would be granted to them for the giving or receiving of letters. Safety would no longer be assured to them in religious worship, or in private devotion, or in the quiet of home life. Neither peace nor civilization, nor any sign of material or intellectual progress, would be theirs as a certainty. How long, think ye, would this state of things be continued before the negligent and contemptuous citizen would cry out, 'Enough! I am

ready to help the government if the government will help me and mine?"

397. Authorities Quoted. Here are a few decisions by national courts upon certain phases of citizenship:

"The general objects and purposes of the fourteenth amendment are to extend United States citizenship to all natives and naturalized persons, to prohibit the states from abridging their privileges or immunities, and from depriving any person of life, liberty or property without due process of law, and from denying to any person within their jurisdiction the equal protection of the laws."

"The main purpose of the first clause of the amendment was to establish the citizenship of the negro." "An Indian who has not been naturalized or taxed or recognized as such is not a citizen of the United States within the meaning of the amendment, although he has separated himself from his tribe and taken up his residence among the white citizens of the state." "The fourteenth amendment is prohibitory upon state action only, and does not reach the acts of individuals, hence congress cannot give a right of action for refusal to afford to negroes the same accommodations in inns, public conveyances and places of amusement as are enjoyed by white citizens."

398. Stimulating Questions. 1. "Can a person be a citizen of a state and at the same time not be a citizen of the United States?" See Andrew's Manual of the Constitution.

2. Are the Chinese subject to naturalization under our laws at this time?

3. Are women eligible to office in any of the states?

4. What reasons are offered as excuses for not voting?

CHAPTER XIV

ELECTIONS IN MISSOURI

399. In the preceding chapter we considered the subject of **suffrage** in its more general aspects. We now devote a chapter to its local phases, as it is exemplified in Missouri, including qualifications of voters, management of elections, and other related topics.

400. Time. In Missouri the general election is held once in every two years, on the first Tuesday after the first Monday in November. The election years are 1894, 1896, 1898, etc. For the purpose of filling vacancies, special elections may be held at other times.

401. Place. The county court establishes two or more election districts or precincts in each township of the county, as the convenience of the people may require. Polling places are designated by the court, and each man must vote in his own precinct. In cities and towns each ward is a precinct, or is divided into two or more precincts.

402. Who May Vote. Two classes of persons may vote in this state, provided they have the qualifications given below:

1. Citizens of the United States.
2. Those who have declared their intention to become citizens not less than one year nor more than five years before offering to vote.

The limitation of the voting population to these two classes is wise and prudent. Citizens and those who expect to become such will probably take greater interest in local affairs and they will exercise more judgment in the selection of officers and in the adoption of measures than those who feel no personal concern in such matters. It will be noted that persons of foreign birth must have taken out their first papers at least one year before offering to vote. This removes the temptation to issue naturalization papers without due consideration, which probably would not be the case if a shorter time were prescribed. If it has been more than five years since the person made his declaration of intention, he cannot vote. Many have seriously doubted the wisdom of allowing any except citizens the right of suffrage, and it is a question worthy of candid consideration.

403. Qualifications of Voters. The constitution and laws of the state prescribe that the above two classes must possess the following qualifications :

1. **They Must be Males.** Women are not given the right of suffrage in Missouri, though they have been elected to office. Several ladies hold the office of county school commissioner, and one or two have been elected to the office of county clerk. A recent session of the legislature refused, by a very decided vote, to limit eligibility to office to male citizenship.

2. **They must be twenty-one years of age.** This is the age usually required by the states. Younger persons are not deemed to be sufficiently mature in judgment to consider properly the questions of public policy which come before the people. Furthermore, a young man

does not reach his majority until he arrives at the age of twenty-one. Before that time, he is presumed to be under the control and direction of his parents or guardian.

3. **They must have resided in the state at least one year.** This is necessary in order that they may acquaint themselves with the needs of the state as well as with the candidates who present themselves for the various offices. It serves also as a check against illegal voting.

4. **They must have resided in the county sixty days.** The law reads, "in the county, city, or town," where they offer to vote. This limit gives the voter some time in which to inform himself upon local candidates and questions, and it also prevents, to an extent, the "importation of voters."

All persons possessing the above qualifications may vote in Missouri at any election, state or national. Those who do not possess these points of qualification cannot legally exercise the right of suffrage; and any infringement of the law on their part would subject them to severe punishment.

404. Residence Explained. A man votes in the precinct where he permanently resides. The constitution of Missouri expressly states that a person does not gain or lose a residence, (1) by virtue of being employed in the service of the state or of the United States, nor (2) by virtue of being engaged in navigation, nor (3) by virtue of being a student in any institution of learning, nor (4) by virtue of being confined in an asylum or poor-house at public expense, nor (5) by virtue of being confined in a public prison. Students and state and national officers must vote at the place of their permanent abode. If a

man's place of business is in one precinct and his family in another, he must vote at the latter place. These are wise provisions. Without them there could be no safety against what has been called "carpetbagism." Also, the students of a large school could decide the local election in many of the towns of the state.

405. Who may not vote. The following classes of persons are denied the right of suffrage in this state:

1. Inmates of poor-houses and asylums kept at public expense.
2. All persons confined in public prisons.
3. Officers, soldiers, or marines in the army or navy of the United States. These persons have only a temporary residence in the state, and they are not presumed to be especially interested in local election affairs.
4. "Persons convicted of felony or other infamous crimes or misdemeanors connected with the exercise of the right of suffrage." A full pardon removes disability in the latter case, but a second conviction forever debars the individual from the right of voting in the state.

406. Protection to Voters. Constitution: "Voters shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom." For any offense except the three mentioned, voters are protected by law against arrest. This is to prevent the annoyance of voters for partisan ends. Were it not for this clause, large numbers of electors might be placed under arrest upon groundless charges, by designing and partisan opponents for the purpose of defeating the will of *the people*.

407. Polls. The polls, or voting places, must be open at seven o'clock in the morning and continue open until six o'clock, or sunset. In cities of twenty-five thousand or more, the polls must be open from six o'clock in the morning until seven in the evening.

408. Ballot-Boxes and Poll-Books. The sheriff provides two ballot-boxes for each precinct and deposits them with the constable whose duty it is to preserve them and, at the proper time and place, to present them for the use of the judges of the election. Two poll-books of legal forms are also furnished each precinct.

409. Judges of Election. The county court appoints four judges of election for each precinct, each of whom must be a qualified voter and able to read and write. The judges appoint four clerks who record the names of all voters. The judges receive, number, and deposit the ballots, see that the name of each voter is entered by the clerks, decide challenges, count the votes, and make proper returns of the same.

410. Returns. The judges count the ballots, seal them up in a package, and deliver them to the county clerk who preserves them for twelve months. These returns are not subject to inspection except in case of election contests. The poll-books are also footed up, signed by the judges, attested by the clerks, and public announcement made of the results to the persons present. Within two days, one poll-book is transmitted to the county clerk, and the other is retained by the judges, open to the inspection of all persons.

411. Casting up the Returns. Within five days after the close of the election, the county clerk takes to his

assistance two justices of the peace or two judges of the county court, who publicly "examine and cast up the votes given to each candidate," and the clerk issues certificates of election to those who have the highest number of votes. In this examination they have no right to go behind the returns as received from the judges of the various precincts. For information concerning certificates to district and state officers, see preceding chapters.

412. Compensation. The judges and clerks receive from the county such compensation as the county court may deem reasonable, not to exceed one dollar and fifty cents per day.

413. Australian Ballot System. For a number of years there has been a strong sentiment in favor of a closer supervision of the ballot. Many states have passed more stringent laws than previously existed. What is known as the Australian Ballot System seems to have met with great favor with those who have given a close study to the question of ballot-reform. Missouri has adopted the system with certain modifications which were necessary to adapt it to the conditions which prevail in the state. The results so far have been most gratifying to all who favor a full and free expression of the people upon public questions. The following paragraphs include the main features of the Missouri law.

414. Advantages. The system provides for a secret ballot, which favors freedom of opinion and independence of action. It has many advantages over the old plan, among which the following are prominent:

1. It acts as a powerful check upon bribery, since no

one is permitted to accompany the voter into the voting place. Few men will undertake to purchase a vote unless they can be sure that it will be cast in favor of their measures. This cannot be certainly known without witnessing the actual deposit of the ballot.

2. It gives every man the opportunity to vote as he pleases, since he is secured against intimidation. As ballots are not distributed promiscuously, the voter's ticket cannot be prepared for him, nor inspected by others after it has been prepared.

3. For the same reasons it diminishes the amount of trading at the polls.

4. It is favorable to quiet and good order on election day.

415. Nominating Candidates. Candidates for office may be nominated by a convention of delegates appointed for that purpose, or by a primary election. In the latter case judges and clerks are appointed and sworn, and the method of voting is similar to that of a regular election. None except qualified voters are permitted to take part in the primary. Penalties are assessed for illegal voting and for fraudulent returns. Any political party which polled as much as one per cent. of all the votes cast at the last election, may make nominations by either of the above methods. If the nomination is made by convention, then the certificate must be signed by the presiding officer and the secretary. If the nomination is made by primary election, then the certificate must be signed by the chairman and the secretary of the political, or party committee. Certificates of nomination may be issued also by getting the signatures of one per cent. of the

voters of the district covered by the jurisdiction of the office.

416. Certificates Filed and Certified. Certificates of nomination for offices to be filled by the voters of a division larger than a county, must be filed with the secretary of state, not more than sixty nor less than twenty days before the election. For all other nominations, certificates must be filed with the county clerk, not more than sixty, nor less than fifteen days before the election. Not less than eighteen days before the election, the secretary of state certifies to the county clerk the names of the nominees for each office as specified by the certificates on file in his office. These names, together with those on file in his own office, the county clerk publishes in two newspapers within the county, the list being arranged in the order and form of the official ballot.

417. Booths. Screened booths or compartments are erected at each polling place. These are provided with such supplies and materials as are needed by the voter in the preparation of his ticket. A guard or rail is so constructed that only those within the railing can approach within five feet of the booths or the ballot boxes. The officers of election and the voters who are preparing or depositing their ballots are the only persons allowed within the enclosure, but not more than one person is permitted to occupy a booth at the same time.

418. Form of Ballot. Each ballot contains the names of all the candidates that have been properly filed and certified. The names of the candidates of each party are grouped, each group being headed by the name of the political party making the nominations. Under each

name is left a blank space large enough for a written name. See the ballot given at the close of this chapter. None but official ballots can be used or counted.

419. Distribution of Ballots. The county clerk provides each precinct with one hundred ballots for every fifty or fraction of fifty voters, one-half of which are given to the judges of the election and the remainder are sealed and delivered to the constable to be given to the judges only in case of necessity. Thus it will be seen that each ballot is kept in the hands of the officials to be given out one at a time to the voters as they pass into the voting booths.

420. Method of Voting. Each voter receives from the judges one ballot on the back of which is written with ink or indelible pencil the names or initials of two of the judges; he retires at once to one of the booths, where he prepares his ballot. This is done by crossing out the groups he does not desire to vote and then making such changes in the names on the remaining group as he desires. He then folds the ballot so as to conceal the face, and votes at once before leaving the polls. If from any cause the voter is not able to prepare his own ballot, the judges may prepare it for him as he shall direct.

421. Exempt. The provisions of the Australian system do not apply, (1) to the election of officers determined otherwise than by ballot, (2) to township and village elections, (3) to school elections, (4) to the election of school commissioner, and (5) to the election of road overseers.

422. Election Expenses. All expenses are paid by the county, city or town holding the election.

423. In cities of three hundred thousand inhabitants, the **recorder of voters** takes the place of the county clerk in certifying nominations, etc. Other changes are made in the general law so as to adapt it to the needs of such cities.

424. Corrupt Practices. With a view to preventing corruption in the management of political campaigns, the legislature passed a law which imposes strict limitations and conditions upon candidates for office. By this act it is made bribery to secure votes by giving or promising to give, either personally or through the intervention of another, money, office, place, or any other valuable thing. The giving of meals or entertainments by candidates or others with a view to securing votes is also forbidden.

425. A limit is also imposed as to the amount of money a candidate may expend for campaign expenses. He must bring his expenditures within the following amounts: He may expend one hundred dollars to five thousand voters or less; two dollars to each one hundred over five thousand voters and under twenty-five thousand: one dollar to each one hundred voters over twenty-five thousand and under fifty thousand, and fifty cents to each one hundred over that number.

426. Within thirty days after the election, the candidate or each candidate for office must file with the officer authorized to issue certificates of election an **itemized statement** of all his campaign expenses, giving in detail the purposes for which the money was expended together with the amounts in each case. A duplicate of the statement must also be filed with the recorder of deeds of the county in which the candidate resides. No com-

mission or certificate of election can be issued until this statement is made and filed. All candidates who fail to comply with the requirement are liable to a fine not exceeding one thousand dollars.

427. If at any time the person receiving next to the highest number of votes can show that the incumbent violated any of the provisions of the law during the canvass preceding the election, he may prosecute him as a usurper and have him removed from his position.

428. Remarks. The author is of the opinion that too little attention has been given heretofore to the topics presented in this chapter and the preceding one. It is hoped that the schools will teach more of local government, and thus prepare the young men for an intelligent discharge of the duties of citizenship. Few subjects possess more interest when properly presented. Illustrations may be found upon every hand which will serve to impart information concerning local government and at the same time impress lessons of duty. The teacher may provide himself with much material which will be valuable in teaching the facts of state management. Copies of ballots and reports of nominating conventions and primaries will do good service in the hands of a live teacher.

429. Stimulating Questions. 1. Why should an official ballot be provided?

2. What were some of the objections to the old system of voting?

3. Discuss the question of ballot reform.

4. Should women be allowed the right of suffrage?

5. Mention some common misapprehensions concerning the regulation of suffrage.

430. Part of the Official Ballot Used in Missouri in the General Election of 1892.

Democratic Ticket.	Republican Ticket.	Prohibition Ticket.	People's Ticket.
<i>For Governor:</i> William J. Stone.	<i>For Governor:</i> William Warner.	<i>For Governor:</i> John Sobieski.	<i>For Governor:</i> Leverett Leonard.
<i>For Lieutenant Governor:</i> John B. O'Meara.	<i>For Lieutenant Governor:</i> Rudolph W. Mueller.	<i>For Lieutenant Governor:</i> William Stevenson Crouch.	<i>For Lieutenant Governor:</i> George W. Williams.
<i>For Secretary of State:</i> Alexander A. Lesueur.	<i>For Secretary of State:</i> Henry T. Alkire.	<i>For Secretary of State:</i> Edwin E. McClellan.	<i>For Secretary of State:</i> David B. Page.
<i>For State Auditor:</i> James M. Seibert.	<i>For State Auditor:</i> John M. Weeks.	<i>For State Auditor:</i> David L. Stewart.	<i>For State Auditor:</i> Joseph B. Dinen.
<i>For State Treasurer:</i> Lon V. Stephens.	<i>For State Treasurer:</i> Fred J. Wilson.	<i>For State Treasurer:</i> Monroe Ingramham.	<i>For State Treasurer:</i> D. N. Thompson.
<i>For Attorney General:</i> Robert F. Walker.	<i>For Attorney General:</i> David Murphy.	<i>For Attorney General:</i> Walter Emmett Johnson.	<i>For Attorney General:</i> William R. Little.

“ You can't vote on all these groups. You must cross out all the names on all the tickets except one. If there is anybody on the ticket remaining whom you don't want to vote for, scratch his name off and underneath it write the name of the person you want to vote for. You will have to do your voting under one of the headings—Democratic, Republican, People's or Prohibition.”—A. A. LESUEUR, Secretary of State.

CHAPTER XV

PARTY MANAGEMENT

431. Parties. Political parties have existed in this country since the time of its early history. Different theories of governmental management have given rise to as many organized parties, each working on definite lines of policy and striving for recognition and supremacy. In general we may say that political parties have been organized to secure legislation upon questions of public policy, and to select men for office whose views harmonize with those formulated in the party platform. Each party desires that the laws shall embody its theories, and that the interpretation and execution of the laws when made shall be in accord with the principles which it advocates. The party in power tries to maintain its supremacy by arguing that its principles are best adapted to the ends of good government; while the parties not in office, with equal diligence, set forth similar claims for their theories. A political party organized on any other principle than that of trying to provide an efficient system of governmental administration, is unworthy of recognition. A party which looks only toward the securing of place for its leaders, is a dangerous organization and is unworthy of encouragement by those who consider the good of the country.

432. Necessity. Political parties serve important functions in the affairs of a free state. Macaulay's reflections on the necessity for parties in England will enforce this point. He says: "It would not be difficult to compose a lampoon or panegyric on either of these renowned factions. For no man not utterly destitute of judgment and candor will deny that there are many deep stains on the fame of the party to which he belongs, and that the party to which he is opposed may justly boast of many illustrious names, of many heroic actions, and of many good services rendered to the state. The truth is that though both parties have often seriously erred, England could have spared neither. If, in her institutions, freedom and order, the advantages arising from innovation and the advantages arising from prescription, have been combined to an extent elsewhere unknown, we may attribute this happy peculiarity to the strenuous conflicts and alternate victories of two rival confederacies of statesmen, a confederacy zealous for liberty and progress." Similar claims are made for the existence of parties in our own country.

433. Classes of Officers. A large number of officers are required to make and administer the laws of the state and the nation. There are city and village officers; officers required for the township, county, and the district, and for the state and the nation. While the president and vice-president are the only elective national officers, yet the former appoints thousands of subordinates who assist in the execution of the laws of the nation. As the parties must present candidates for all of these positions of trust, it will be seen that there is involved no small *amount of labor* and executive management.

434. Party Organization. Only by a very perfect system of organization could it be possible for the parties to do this work. Arrangements must be made for the nomination of candidates, for the management of the campaign, and for the perpetuity of the party organization. Committees are appointed, canvassers are employed, and managers are put in charge of each division of the work. The general plans of work of each party are about the same, all following out the same methods and using about the same means.

435. National Committee. The national convention of each party appoints a national executive committee composed of one member from each state and territory. This committee has in charge the management of the campaign for the election of national officers. By means of an executive or campaign committee, speakers are appointed in the various states, campaign literature is distributed, and money is collected to defray the expenses. On the approach of an election this committee issues a call for a national convention, selecting the time and place of the meeting, and fixing the ratio of representation from each state.

436. State Committee. In each of the states, a central committee is appointed by the preceding nominating convention, to take charge of the campaign for the election of state officers. This committee manages the campaign within the state, and at the proper time, issues the call for the next nominating convention, selecting the time and place for the same, and fixing the ratio of representation from each county.

437. Other Committees. The county committees

are also appointed by the county conventions to look after the canvass for county officers. The senatorial, judicial, and congressional districts of the state likewise have committees to manage the affairs within their respective jurisdictions. The county committee is usually composed of one member from each township, and each district committee is composed of one member from each county.

438. The work of each of the above committees ends with the assembling of the convention for the nomination of candidates for the succeeding campaign.

439. Conventions. Candidates for office are usually presented by conventions. With the exception of the national convention, the conventions first held are usually those having the more limited jurisdiction. In obedience to a call by the county central committee, the townships appoint delegates to attend the county convention held for the purpose of nominating candidates for the county offices. This convention or a similar one also appoints delegates to attend the state convention. The latter duty is frequently performed by a separate convention held for that specific purpose.

440. State Convention. At the call of the state central committee, the counties, as above indicated, select delegates to the state convention. This body adopts a platform, following the general principles as enunciated by the national convention, and taking a position upon the questions of local interest; nominates candidates for the state offices; and may select delegates to attend the national convention. Delegates to the national convention are generally selected, however, by another conven-

tion which is held before the regular state nominating convention.

441. National Convention. The national convention nominates candidates for but two offices,—president and vice-president. This convention adopts a platform of principles which is taken as an official statement of the party upon the questions before the people. This is usually the first convention held for the nomination of officers. It will be seen that by this plan or system the various political parties are enabled to present candidates for each office to be filled.

442. The Primary. In case the political party makes use of the primary in the selection of candidates for state and local offices, the work of the conventions as given above is omitted. The committees remain the same, however. The general assembly of Missouri has recognized the primary, and made provision for it by the adoption of stringent rules and regulations for its management. The law provides that the procedure must be similar to that of an election. Judges are appointed, tickets are provided, polling places are opened, and returns are made of the results, all conducted under definite rules of law. The state has thus recognized the political party as a part of the machinery of government.

443. Duties. Inasmuch, then, as so much is involved in party management, it would seem to be the duty of each citizen to attend the caucuses, the primary elections, and the conventions of his party. If reliable men manipulate the primaries, honest and capable officers will be selected, just measures will be adopted, and the views and interests of the people will be respected. Even a

minority, strongly advocating the cause of right and justice, can do much to weaken and counteract the influence of a corrupt majority. In the primary is the place to defeat corrupt candidates and bad measures. Here the voice of the people should be heard, and that voice usually expresses the sentiment of right and justice.

444. The Caucus. The caucus is a meeting of individuals called for the purpose of agreeing upon candidates or measures to be presented to a convention of the party. The caucus may become a dangerous influence for evil, or it may be of great service in elevating good men to power. Bad men and unfair and dangerous measures may be defeated in the caucus as well as in the primary election or the convention.

445. The Canvass. After the candidates have been nominated, the real campaign between the parties begins. Each tries to secure the number of votes necessary to success. Speeches are made and political documents are distributed, discussing differences, advocating certain lines of policy and condemning others, until almost every phase of the theories in dispute has been clearly presented. The corrupt practices act, passed by the general assembly of Missouri, imposes very close restrictions upon candidates for public office. (See the preceding chapter for a general outline of the law.)

446. Party Fealty. We have shown that the political party performs a very important function in the economy of state affairs. And it follows that each citizen can justify himself in being a member of some party, and each owes to his party a certain fealty,—a certain moral and positive support. Party, however, must not be made

an end, but it should be a means to the accomplishment of a certain definite purpose; and that purpose should be the advancement of the interests of the state and nation. Party fealty does not supplant patriotism, and men must not demand more attention than principles. The place-hunter and the place-retainer are succeeded by true men who embody in their theories and live out in their lives the principles of true patriotism. Love of country, the good of the people, and the development of a model system of government, are the inspiring purposes which should prompt toward party success. Every citizen may support the party whose principles can bear such tests as these.

447. A Contrast. Dr. James Freeman Clarke presents a strong contrast between the statesman and the time-serving politician, or demagogue. He says:

“A politician thinks of the next election; a statesman, of the next generation.

“A politician looks to the success of his party; a statesman for that of his country.

“A statesman wishes to steer, while a politician is satisfied to drift.”

448. Stimulating Questions. 1. Show, if you can, how the preliminary work of an election could be done without organized parties.

2. What good has been done by the “independent” in politics?

3. What is the relative strength of the various political parties at the present time?

4. Are you able to give the characteristic differences between the two leading parties of the day?

CHAPTER XVI

REVENUE AND TAXATION

449. Necessity. No government could long exist without the power to levy taxes and collect revenues. National officers must be paid; public buildings must be provided; and provision must be made to defray the expenses of the administration of the law in all of its departments. These expenses must be promptly met, otherwise the government cannot maintain its credit at home and abroad. A strong financial system is necessary to the strength of the nation. In times of war the nation is frequently put to its utmost strength to meet its obligations.

450. Principles. To collect all of these revenues and to meet all the demands upon the treasury of the nation, require thorough system and exact methods of work. There are a few general principles of taxation which have been quite closely followed in modern times, though they have given rise to some difference of opinion. Adam Smith has stated four of these maxims as follows: " 1. The subjects of every state ought to contribute toward the support of the government, as nearly as possible, in proportion to their respective abilities; that is, in proportion to the revenue which they respectively enjoy under the protection of the state. 2. The tax which individuals

are bound to pay ought to be certain, and not arbitrary ; the time of payment, the manner of payment, and the amount to be paid, ought all to be clear and plain to the contributor and to every other person. 3. Every tax ought to be levied at the time and in the manner in which it is most likely to be convenient for the contributor to pay it. 4. Every tax ought to be so contrived as both to take out and keep out of the pockets of the people as little money as possible over and above what it brings into the public treasury of the state." To these a fifth has been added, viz.: "The heaviest taxes should be imposed on those commodities the consumption of which is especially prejudicial to the interest of the people." The second maxim is especially applicable in the case of all direct taxes, but it meets with a partial exception in case of indirect taxes inasmuch as they are paid as a part of the cost price of the article. Upon the third principle it may be remarked that the state is wise in collecting taxes at a time of the year when money is most plentiful. The fourth maxim is violated when large amounts of collected revenue are allowed to accumulate in the public treasury, thus encouraging extravagance and inviting peculation. Better let the surplus remain in the pockets of the people. The fifth maxim is quite closely followed by the national government, in that its entire internal revenue is collected from articles of luxury.

451. Kinds. A tax is a sum of money laid upon the property or persons of a country for the support of the government. There are two kinds of taxes, direct and indirect. Direct taxes are those that are levied upon property or persons, and they are paid by the person

against whom they are assessed; such, for example, as taxes on lands or personal property. Indirect taxes are such as are collected on articles of consumption, and they are paid by the consumer, since they are always charged and added as a part of the cost price. Customs and the tax on liquors, tobacco, and beer are indirect. The national government has the power to levy a direct tax, but at this time it is supported almost entirely by means of indirect taxation. The state and county revenues are raised for the most part by direct taxes.

452. Customs. No part of the taxes which we pay to the collector of the county goes to the national government, but it is used within the limits of the state. The federal government charges customs-duties which are taxes levied upon imports and exports, but as export duties are prohibited, we tax imports only. These are collected at the custom houses by officers appointed for that purpose. A list of customs duties is called a tariff, and a large amount of discussion has arisen as to what articles should be included in such list and as to what rate of duty should be levied. If imports are reckoned according to the quantity of the articles taxed, they are called *specific* duties; while if they are assessed in proportion to value, they are called *ad valorem* duties. Much the larger portion of the nation's revenue is derived from customs.

453. Internal Revenue. Internal revenue, frequently called an excise tax, is derived from articles produced within the country. The principal articles at this time upon which such tax is collected are tobacco, spirits, incomes and beer. It is collected by collectors who are stationed in different parts of the country.

454. Uniformity. Constitution: "All duties, imposts, and excises shall be uniform throughout the United States." By this provision each state must pay its proportionate share in raising money for defraying the expenses of government; that is, each pays in proportion to the amount of its imports.

455. The above topics relate largely to the national government. State revenue will receive attention in the following paragraphs, special prominence being given to the subject as exemplified in the laws and constitution of Missouri.

456. Necessity for State Taxes. Each state must make provision for defraying the expenses of its local government. State, county, township, and city officers must be paid for their services; buildings for public use must be erected; streets must be made; roads must be constructed and kept in repair; and many other things must be done which require the expenditure of large sums of money. As the state does not engage in business enterprises for profit, it is readily seen that money must be secured by some system of taxation. Each citizen is the recipient of the blessings arising from government, and each is required to assist in defraying the expense which necessarily follows.

457. Purposes. The state has the sovereign right to levy by law a tax upon all property, personal and real, for the support of the government, the payment of the public debt, and for the advancement of the public interest. The last purpose is very broad in its scope and application, and it might be of interest to the pupil to make a list of the items it would include.

458. Sources of Revenue. All personal property and all real estate, with the exceptions noted below, are subject to taxation. In addition to these, the state receives large amounts from the following sources: licenses on merchants, dramshops, and peddlers; billiard and other tables; tax on corporations, express companies, and foreign insurance companies; and notarial commissions. Aside from the money raised by assessment against personal and real property, the largest sources of revenue to the state are dramshop licenses, licenses on merchants and manufactures, tax on corporations, and tax on foreign insurance companies, in the order named.

459. Exemptions. The following are exempt from taxation in Missouri: Persons in the United States army; property belonging to a city, a county, or the state, or to the United States; property granted by the state or the United States for the purposes of education; lots of one acre and located in cities or towns or within one mile of them, and lots of five acres if one mile or more distant therefrom, when used exclusively for religious, school, or charitable purposes; also real estate and personal property used exclusively for agricultural or horticultural societies. What good reasons can be given for making these exceptions?

460. Assessment. Before a tax-levy can be made it is necessary to know the amount of taxable property within the jurisdiction of the authority making the assessment. Hence, assessors are elected or appointed in the counties, townships, cities, and villages, who prepare lists of all property subject to taxation, together with the valuation thereof, which is usually listed at less than its actual

value. In Missouri personal property is assessed annually while real estate is assessed but once in every two years.

461. Equalization. As it is the aim and intention to have a uniform basis of valuation, it becomes necessary to provide for a review of the assessments as made by the regular officers. For this purpose, a board of equalization is provided in each town, city, and county, and also in the state. The local and county boards meet on the first Monday in April of each year to hear complaints, and make such changes in the assessment as they may think necessary and just, subject to the rulings of the state board of equalization. The state board performs a similar duty for all the counties, equalizing the valuation of the various kinds of property in the state, whether it belongs to individuals or to corporations. This board meets annually at Jefferson City, the capital of the state, on the last Wednesday in February.

462. Tax Rates. After knowing the amount of property against which taxes may be levied, and knowing also the total amount to be raised, the authorities then determine the rate per cent. But the constitution imposes certain limitations beyond which they cannot go, which are about as follows:—

463. For State purposes, exclusive of the tax for the payment of the bonded indebtedness of the state, the present rate is fifteen cents on the hundred dollars' valuation; nor can it be more than this unless the assessed valuation of the property of the state should fall below nine hundred million dollars. In no case can the rate exceed twenty cents on the hundred dollars.

464. For County purposes, the rate ranges from

thirty-five cents on the hundred dollars to fifty cents, depending upon the total amount of property in the county.

465. **For City and Town purposes**, the rate is from twenty-five cents to one hundred cents on the hundred dollars, depending, in this case, upon the number of inhabitants. (For limitations governing assessments for school purposes, see the chapter on The School.)

466. Collecting Taxes. Except in counties having township organization, all taxes, except town and city taxes, are collected by the county collector. He must give twenty days' notice of the time and place at which he will meet the people of the various townships for the purpose of receiving taxes. The collector remits each month to the state and county treasurers respectively the amounts belonging to each which have been collected during the preceding month.

467. Penalties. A penalty is imposed for the non-payment of taxes when due. They are due on the first of September, and they become delinquent on the first of January following. From the time of becoming delinquent, a penalty of one per cent. a month is charged. The collector has power also to seize and sell property for taxes after the first of October, before or after they become delinquent, provided he has made demand for payment either in person or by deputy.

468. Stimulating Questions. 1. What are the main features of the income tax law?

2. What arguments can be given in favor of taxing bonds and notes?

3. Why should the state have the power to sell property for the payment of taxes?

CHAPTER XVII

STATE INSTITUTIONS

469. The principal state institutions of Missouri are the university, the normal schools, the penitentiary, the reform schools, the asylums for the insane, and the schools for the deaf and the blind. These have been established, organized, managed, and supported by the state at the expense of the tax-payers. Experience has shown that they are necessary to the welfare, comfort, and prosperity of the people.

470. *The State University.* The purpose of a university is to provide instruction and training of the highest order in every department of art, knowledge, culture, and investigation. Provision should be made for every line of study, and the work should be thorough and complete. The necessity for such an institution, established and supported by the state, is now recognized upon every hand.

471. *The University of the State of Missouri* was officially located at Columbia in 1839, and the work of giving instruction began in April, 1841. The school is now fully equipped with new, elegant, and suitable buildings, and a large amount of apparatus for use in the various lines of investigation. It includes at this time, (1894) twenty-three departments of instruction, all of

which are located at Columbia, except the school of Mines and Metallurgy, which is at Rolla.

472. The general management of the institution is entrusted to a board of curators, composed of nine members, appointed by the governor, by and with the advice and consent of the senate, for a term of six years. The curators are charged with the protection and improvement of the grounds and buildings, and with the making of the rules for the admission of pupils. They have power to appoint and remove the president and professors, and to fix their compensation. They may confer such degrees as are usually granted by similar institutions. They are also responsible for the financial management of the institution. The university is supported in part by legislative appropriation, and in part by funds arising from a permanent endowment.

473. Normal Schools. Three normal schools have been established for the training of white teachers and one for the training of colored teachers. These institutions are made a part of the public school system, though they are dependent for their support upon appropriations by the general assembly.

474. The First District Normal School, located at Kirksville, began its sessions as a state institution January 2nd, 1871; the Second District Normal, located at Warrensburg, began work May 10th, 1871; while the Third District Normal, located at Cape Girardeau, opened its doors to pupils December 10th, 1873. Lincoln Institute, located at Jefferson City, has been established for the training of colored teachers and has been receiving aid

from the state since 1866. A normal department has also been organized in connection with the university, and has been in successful operation for a number of years.

475. These schools charge a small fee of admission which is used to defray the incidental expenses, the state appropriating the money for the payment of the teachers and for the repairing of the buildings and the improvement of the grounds.

476. Each of the normal schools is under the control of a **Board of Regents** composed of seven members, the superintendent of public instruction being *ex-officio* a member of each board. The other members are appointed by the governor and serve for a term of six years.

477. The **Normal school diploma** is a life certificate to teach in the state without further examination. The schools also grant a certificate to those who complete satisfactorily one-half of the course, which is a certificate to teach in the state for a period of two years.

478. Eleemosynary Institutions. The statutes include under this division the three asylums for the insane, the school for the blind, the deaf and dumb institute, and the two reform schools.

479. The management of these institutions is vested in a **board of managers** for each institution, composed of five members appointed by the governor for a term of four years.

480. The board takes control of whatever property belongs to the institution, manages the purchase of supplies and the payment of all expenses as prescribed by law, appoints the officers of the institution and makes all needful rules and regulations for its management and government.

481. Deaf and Dumb. This school is located at Fulton and it is well provided with suitable buildings and necessary apparatus. The object of the instruction is the education of the deaf and dumb between the ages of eight and twenty-one, "in the use of written and sign languages, the elementary branches, and in mechanical trades and industrial pursuits." Girls and boys are each taught such trades as will be of practical use to them in the affairs of life. They are allowed to attend for a period of ten years unless sooner excused by the superintendent or the board. Under certain conditions, the county court may defray the expenses of those who are unable to pay their own way.

482. The Blind. The school for the blind is in the city of St. Louis. Its object is the instruction of blind persons of suitable mental and physical capacity between the ages of nine and twenty-five years. Such persons, if residents of the state, may remain in the institution for eight years, and in special cases for a longer period, not to exceed ten years. In the case of indigent persons, the county court may defray the expense of attendance.

483. Reform School for Boys. There has been established at Boonville a school for the reformation of boys of vicious habits and for the care of "such boys as are homeless or surrounded by such associations as are liable to lead them into vice." All such are to be educated into habits of industry with a view to making of them good and useful citizens.

484. Two classes of boys are admitted, (1) those under sixteen years of age who have been convicted of any crime or misdemeanor punishable by fine or imprison-

ment, and (2) those under eighteen who have been convicted of any felony, provided the court shall commute the punishment to commitment to the reform school. Boys must be at least eight years old before being committed to the school, but those who are sent there must remain until they arrive at the age of twenty-one.

The expense in each case is met by the county from which the offender is sent.

485. Home for Girls. The industrial home for girls is at Chillicothe where provision has been made for the reformation of girls between the ages of seven and twenty-one years who have been convicted of any offense not punishable by life imprisonment. The county from which the girl is sent pays the expense, amounting to one hundred and fifty dollars per annum for support and twenty-five dollars for clothes.

486. Asylums. There are three asylums for the insane, Nos. 1, 2, and 3, located respectively in Fulton, St. Joseph, and Nevada.

487. Each of these institutions is controlled by a **Board of Managers** who appoint a superintendent, assistant physicians, treasurer, steward, and matron; prescribe their duties and fix their term of office.

488. Persons afflicted with any form of insanity may be admitted by the superintendent if he thinks their condition may be improved by the treatment given at the institution.

489. Two classes of persons are admitted, (1) those known as **pay-patients**, and (2) those known as "**insane poor**." The latter are supported by the counties sending them, while the charges for the former are paid by private individuals.

490. The Penitentiary. This is a prison maintained by the state at Jefferson City for (1) the confinement, (2) the reformation, and (3) the punishment of criminals convicted of the higher crimes. The county jails and city prisons are for the punishment of persons convicted of the smaller offenses. Convicts in the penitentiary are securely confined, employed at hard labor, and governed by very strict and exacting rules of discipline.

491. The Control and Direction of the prison is vested in a board of inspectors composed of the state treasurer, state auditor, and attorney-general. The additional officers are the warden, assistant warden, physician, clerk, chaplain, matron, and such turn-keys, guards, and assistants as are necessary. The appointment of a chaplain is with a view to the improvement and reformation of the convicts. He is required to give his entire time to the moral, intellectual, and religious instruction of the prisoners.

492. For a number of years the **labor of the convicts** has been leased to contractors who establish their shops and factories within the walls of the penitentiary. In this way the prison is rendered partially self-sustaining.

493. Stimulating Questions. 1. Why should the state provide for higher education?

2. Why should it support normal schools?
3. What good reason can be given for state support to eleemosynary institutions?
4. What additional institutions, if any, does the state need at this time?
5. Should the state exercise a supervising control over institutions not supported by public money?

CHAPTER XVIII

MISCELLANEOUS TOPICS

494. The topics of this chapter include a few items of general interest not easily classified under former discussions. They are inserted here because of their practical bearing upon the duties and interests of the citizens of the state.

495. Interest. Interest rates is a topic which frequently presents itself to legislative bodies for adjustment. There is a close connection, it seems, between the legal rate of interest and the activity of business in its various departments. Persons who borrow money, or those who buy goods or property upon credit, usually pay interest upon the amount of such indebtedness. For a number of years, the rate in Missouri was ten per cent., but at this time eight per cent. is the highest legal rate. The laws provide also that where no rate of interest has been mentioned or stipulated by the parties, that only six per cent. can be collected. The parties to the contract may agree in writing upon any other rate not to exceed eight per cent. per annum. It is illegal to take, either directly or indirectly, so the law says, a higher rate than that above specified; and in case a lender makes a greater charge and attempts to collect it, the defendant can plead usury; in which case the offender forfeits the right to any portion of the interest.

496. **Interest** is allowed on judgments rendered or orders made by any court at the rate called for by the contract upon which the judgment or decree was based. Interest continues until the demand is satisfied by payment.

497. Marks and Brands. With owners of live stock, it becomes necessary for them to adopt brands or ear marks in order that they may be able to describe their own property. A few regulations have been incorporated into the law which prevent confusion. It is required that a person who adopts a brand or mark must file a full description of it with the county clerk to be recorded in a book kept for that purpose. A penalty is imposed for using more than one mark or brand and for making use of any other than the one described by the record.

498. A similar requirement is made with reference to **brands** of flour, meal, and other articles. Each manufacturer must file with the recorder of deeds a *fac simile* of each brand he intends to use, thus securing the exclusive right to use such brand or brands.

499. Weights and Measures. It is necessary also to have some fixed standard of weights and measures, otherwise exchange of articles of trade would involve a large amount of inconvenience and trouble. Congress has the power "to fix the standard of weights and measures," but with the exception of a few matters relating to the coinage of money, very little has been done by that body. The states must fix the standards for all articles of produce. The law of Missouri provides that the clerk of each county must procure, at the expense of the county, of standard size as adopted by the state, a

foot, a yard, and a half-bushel measure; a gallon, a half-gallon, and a quart measure; also a set of avoirdupois weights.

500. A **half-bushel** measure contains one thousand and seventy-five and one-fifth cubic inches.

501. A **gallon** measure contains two hundred and thirty-one cubic inches.

502. A **quart** measure contains fifty-seven and three-fourths cubic inches.

503. A **ton** consists of two thousand pounds, avoirdupois.

504. All persons are prohibited, under penalty, from using weights and measures that do not agree in capacity with those deposited in the clerk's office. It is the duty of the clerk to seal with the initials of the county all weights and measures presented for that purpose, provided of course, that they correspond with the county standard.

505. Table of Measures. The following table gives the number of pounds to the bushel, as provided by law:

Apples.....48 lbs.	Cotton seed...33 lbs.	Peaches, dried...33 lbs.
Apples, dried...24 "	Cucumbers...48 "	Potatoes, Irish...60 "
Barley.....48 "	Flax seed.....56 "	Potatoes, sweet..56 "
Beans, castor....46 "	Hemp seed...44 "	Peas, green and
Beans, green and unshelled.56 "	Hungarianseed48 "	unshelled.....56 "
Blue grass seed..14 "	Malt.....38 "	Red-top seed.....14 "
Bran.....20 "	Millet.....50 "	Rutabagas.....50 "
Buckwheat.....52 "	Oats.....32 "	Rye.....56 "
Carrots.....50 "	Osage Oranges'd 36"	Salt.....50 "
Clover seed.....60 "	Onions.....57 "	Split beans.....60 "
Coal.....80 "	Onion sets....28 "	Sorghum seed...42 "
Corn, shelled....56 "	Parsnips.....44 "	Timothy seed...45 "
Corn, in ear.....70 "	Peaches.....48 "	Turnips42 "
Cornmeal50 "	Peas.....60 "	Tomatoes.....45 "
	Pears.....48 "	Wheat60 "

506. The statutes prescribe also the **methods and the standards** for measuring earthwork, stone masonry, brick work, stone-cutting, plastering, and roofing to be used in case there has been no special agreement between the parties touching a unit of measurement.

507. Militia. Congress has the power "to provide for organizing, arming, and disciplining the militia," "reserving to the states respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress." Each state is expected to enlist a militia force and to drill them for field service. This system has been adopted as being safer and more economical than the plan of having a large standing army. In Missouri, all able-bodied male citizens, and all who have declared their intention to become citizens, **between the ages of eighteen and forty-five** are subject to service in the militia of the state.

508. A volunteer militia of the state, known as "The National Guard of Missouri," has been organized, the number being limited, in times of peace, to twenty-five hundred, including the state cadets. The governor is the commander-in-chief, and he appoints the staff officers. He has power to call out the militia for the purpose of executing the laws, suppressing insurrections, and repelling invasions; and whenever the national guard is not adequate to these purposes, he may call into service, if need be, all persons subject to military duty.

509. Public Safety. Every hotel or lodging-house of over two stories in height, must be provided with a rope or rope-ladder in each room for the escape of lodgers

in case of fire. Such buildings must have two flights of stairs also for the use of guests. Hotels of more than three stories must provide permanent iron balconies, with iron stairways leading from one balcony to another. Hotels of more than fifty rooms must be provided also with watchmen.

510. Places of Amusement must be so constructed as to facilitate ingress and egress. The seats must be arranged in rows and the rows must be separated by wide aisles. The doors of egress must open outwardly, and there must be as many of them as can be made, not to weaken the strength of the building. The doors of the audience rooms or halls of school houses and other public buildings; also of factories with more than twenty employees; of theaters, churches, and all other places of public resort, except school houses and churches of one room on the ground floor, must be hung on double-jointed hinges so as to open easily both outwardly and inwardly. These are wise provisions, calculated to reduce very much the danger arising from fires and from panics.

511. Travel. Public roads in this state must be not less than thirty nor more than sixty feet in width, to be determined by the county court. They must be kept free from all obstructions to travel, so that horsemen and carriages may not be incommoded in any way. It is the duty of the overseer to erect at each cross-roads in his district a finger-board containing an inscription directing the way and noting the distance to the next important place. In the matter of railroad travel every precaution

seems to have been taken to protect the public. The road bed, bridges, coaches, and crossings must all be kept in good and safe condition. The fare for travel is limited by law to three cents per mile on trunk lines and four cents per mile on branch roads. Crossings must be maintained where the railroad crosses any high-way or public street, and the engineer must ring the bell or blow the whistle at such places. Railroad companies are liable for damages for injury to persons or property caused by the negligence of those in their employment.

512. Adulterations. The general assembly has passed a few laws looking to the protection of the people against the adulteration of foods and drinks, drugs and medicines. The manufacture of any imitation of butter subjects the offenders to a fine or to imprisonment, unless the substitute is marked with its true name. The adulteration of liquors of any kind by the use of any poisonous ingredients is punishable by imprisonment in the penitentiary. It is also made unlawful for the manufacturers of candies or other sweets to use any substitute for or other than pure vegetable ingredients. Strictures are placed also upon butchers and others who prepare articles of food.

513. Stimulating Questions. 1. Why should the state regulate interest rates?

2. Should the government own and operate the railroads?

3. Upon what principle does the state assume to regulate passenger and freight rates?

4. Why should the national government regulate the *value of coin*?

CHAPTER XIX

NATIONAL PROVISIONS OF LOCAL INTEREST

514. The constitution and laws of the United States contain a number of **provisions** which have a local application. Many of them bear upon the relations of citizens, while others involve state relations. Some of these have been discussed in connection with naturalization, citizenship, and duties and rights. Others of equal importance are presented in this chapter.

515. State and Nation. In previous chapters we have presented the legislative, executive, and judicial branches of state government. The same well-defined divisions or branches of government are found also in the national system.

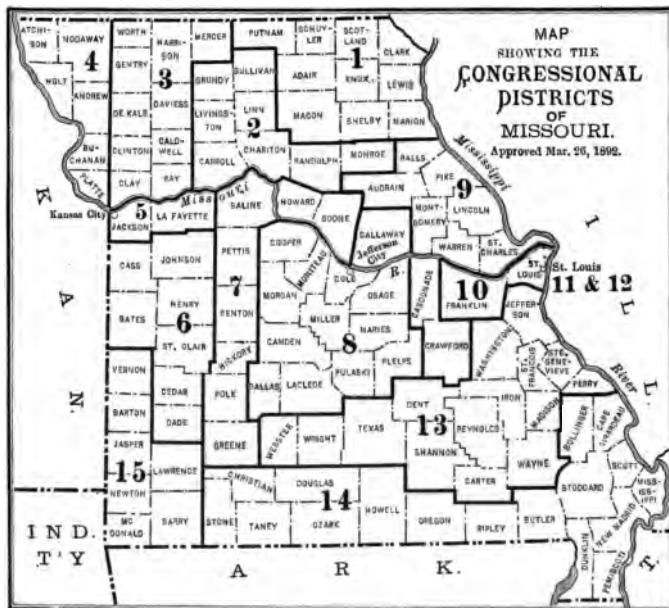
516. Congress. The legislative power is vested in congress which is composed of two houses, the house of representatives and the senate. The members of the former are called representatives while the members of the latter are called senators. Congress meets annually in Washington City on the first Monday in December.

517. Representatives. Representatives are apportioned among the states according to population. They are elected by a direct vote of the people for a term of two years.

518. The Basis. The basis of representation is deter-

mined by congress. A new apportionment is made every ten years in order to adjust the representation to the number of people as determined by the last census. The present basis (from 1890 to 1900) is one representative for every 173,901 persons, giving 356 as the whole number of members in the house. Upon this basis, Missouri is allowed fifteen representatives. The following map shows the counties belonging to the different **congressional districts** in the state. It must be noted here that the tenth district includes also a small portion of St. Louis, while the eleventh and twelfth districts lie entirely within that city.

519. Congressional districts.



520. Qualifications. Each voter casts his ballot for but one candidate who must be at least twenty-five years of age, seven years a citizen of the United States, and an inhabitant of the state from which he is elected.

521. Senators. Each state is entitled to two senators. A senator must be at least thirty years of age, nine years a citizen of the United States, and an inhabitant of the state from which he is chosen. It will be seen that higher qualifications are prescribed for senators than for representatives, because it is thought that in certain respects their responsibilities are greater.

522. By Whom Elected. Senators are elected by the general assembly of the state for a term of six years. Latterly there have been those who have advocated the election of United States senators by popular vote.

523. Process of Election. In order that there may be uniformity, congress prescribes the method by which senators are elected. By the law of 1883, the following plan must be carried out in the election:

1. On the second Tuesday after meeting and organization each house, by a *viva voce* vote of each member present, names a person for senator.

2. At twelve o'clock on the following day, the two houses meet in joint assembly, and if the same person has received a majority of all the votes cast in each house, he is declared duly elected.

3. If no person has received a majority of the votes of each house, then the joint assembly votes for senator. The person who receives a majority of all the votes of the joint assembly, a majority of all the members elected being present and voting, shall be declared elected.

4. If no person receives such majority of the joint assembly on the first day, the two houses shall meet in joint session at twelve o'clock on each succeeding day and take at least one vote until a senator is elected.

5. If a vacancy exists in the office of senator on the assembling of the legislature, the proceedings shall be the same as above outlined.

6. If a vacancy occurs during the session of the legislature, then similar proceedings shall be had on the second Tuesday after receiving notice of the vacancy.

7. If a vacancy occurs during the recess of the legislature, the governor appoints a person who serves until the meeting of the legislature.

The governor of the state issues a certificate of election to the senator, the secretary of state countersigning it.

524. Executive Department. The executive power is vested in the president of the United States. It is his duty to see that the laws are faithfully executed. To this end he is charged with the appointment of a large number of subordinates who are entrusted with the transaction of the business of the various divisions and departments.

525. Qualifications. The president must be a natural-born citizen; must have attained to the age of thirty-five years, and he must have resided within the United States for fourteen years. The vice-president must possess the same qualifications.

526. Electors. The people do not vote for president and vice-president of the United States by direct method, but they select electors who cast the vote of the people for these officers.

527. Ineligibility. Neither senators, representatives, nor persons holding any office of profit or trust under the United States, can be electors of president and vice-president.

528. Number. A state is entitled to as many electors as it has senators and representatives. Missouri, at this time (1895), is entitled to seventeen electors, being one from each congressional district and two from the state at large.

529. How Elected. At this time all the states choose their presidential electors by a direct vote of the people. In a very few states they are elected by districts, but in most of the states each voter includes the entire list on his ticket. In Missouri a voter may cast his ballot for seventeen electors.

530. Proceedings of Electors. All electors are now required to meet on the same day throughout the United States,—the **second Monday in January** following their election. In Missouri they assemble at Jefferson City. They vote for president and vice-president on separate and distinct ballots. Three lists of the votes are made, signed, and certified by the electors, of all persons voted for as president and of all persons voted for as vice-president, giving also the number of votes cast for each. These lists are sealed and directed to the president of the senate, one being sent to him by mail, one being delivered by a special messenger and one being delivered to the judge of the United States district in which the electors meet.

531. Counting the Votes. On the **second Wednesday in February**, the senate and the house of representa-

tives meet in joint session, and the president of the senate opens the certificates in the presence of the two houses, and the votes are counted by tellers.

532. National Judiciary. A national judiciary has been established for the purpose of deciding such questions as do not fall within the jurisdiction of state courts. Violations of the national constitution or statutes must be adjudicated by the national courts.

533. Classes of Courts. There are five classes of national courts, viz.: the supreme court, the circuit courts, the district courts, the supreme court of the District of Columbia, and the court of claims. The supreme court, composed of one chief justice and eight associate justices, holds annual sessions at Washington City. The circuit courts rank next below the supreme court. The country is divided into nine circuits to each of which one member of the supreme court is assigned. One or more special circuit judges are also appointed for each circuit. Next below these are the district courts, there being about sixty in all. For each of these a district judge is appointed. The judges of the above courts are appointed by the president by and with the consent of the senate. They are appointed for life or during good behavior. The court of claims considers claims against the general government.

534. Jurisdiction. The supreme court has original jurisdiction "in all cases affecting ambassadors, other public ministers, and consuls, and those in which a state shall be a party." It has appellate jurisdiction in the following cases:

1. In all cases of admiralty and maritime jurisdiction.
2. In cases in which the United States shall be a party.

3. In controversies between citizens of different states.
4. Between citizens of the same state claiming lands under grants of different states.

Congress determines whether the circuit or the district courts shall have original jurisdiction in the above cases, but as that body has never made a complete classification for all cases that might arise, it is impossible to give, in a short space, a general statement of the jurisdiction of the inferior courts.

535. Patents. Under the laws of congress patents are granted to inventors of new and useful machines, instruments, etc. which secure a monopoly of their manufacture and sale for a term of seventeen years. The total cost is thirty-five dollars, fifteen of which is paid at the time of making the application, and the balance when the letters-patent are issued.

536. Copyright. Copyrights on books, pictures, musical compositions, etc., may also be secured by authors. A copyright extends for twenty-eight years, which term may be extended fourteen years. The total cost is one dollar.

537. Postal Matters. The entire postal system of the country, including the transmission of mails, the establishment of post-roads, the appointment of post-masters, the regulation of postal rates, etc., is under the control of the national government. The postmaster-general and his assistants are in immediate charge. Post-masters whose salaries are less than one thousand dollars are appointed by the postmaster-general, while all others are appointed by the president by and with the consent of the senate.

538. Mail Matter and Postage. Domestic mail matter is divided into four classes:

539. First Class.—Letters, postal cards, and matter wholly or partly in writing, sealed or unsealed, and all matter closed against inspection. The postage is two cents per ounce or fraction thereof. Postal cards are one cent each. "Drop" letters are one cent per ounce or fraction thereof, except at letter-carrier offices where the postage is two cents.

540. Second Class.—Newspapers and publications issued at stated intervals as often as four times a year, excluding those not having a legitimate list of subscribers and those designed primarily for advertising purposes. When sent by the publisher or news agent to actual subscribers, the postage is one cent per pound. All such periodicals are sent free to subscribers within the county. When sent by other than a publisher or news agent, the postage is one cent for each four ounces or fraction thereof.

541. Third Class.—Books, periodicals, and matter wholly in print (not included in second class), proof-sheets, corrected proof-sheets, and manuscript copy accompanying the same. Postage, one cent for each two ounces or fraction thereof.

542. Fourth Class.—Merchandise, including all mailable matter not included under the other classes. Postage, one cent per ounce or fraction thereof, except seeds, cuttings, roots, scions, and plants, which are one cent for each two ounces or fraction thereof.

A package must not exceed **four pounds**, unless it be a single book, or second-class matter mailed at the pound rate.

543. Money-Order and registration systems are also conducted by the postal department, the fee for registration being ten cents, and the fee for a money-order being from three cents upward.

544. State Amity. Constitution: "Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state." This means that the legislative acts, the decisions of courts, etc., of one state must be taken as final in every other state. Whatever credit is given to them in one state must be given to them in other states. They are not subject to re-examination. A person acquitted of the charge of a certain crime in one state cannot be re-examined on the same charge in another. Congress has enacted that the acts of the legislature of a state should be authenticated by its seal; that the records of a court should be proved by the attestation of the clerk and the seal of the court (if there be one), with the certificate of the judge.

545. State Prohibitions. The national constitution enumerates a few things which the states are forbidden to do, and it is well to direct attention to these in this connection:

1. They cannot make treaties, or form alliances.
2. They cannot coin money, emit bills of credit, make anything but gold and silver a tender in the payment of debts, or pass any law impairing the obligation of contracts.
3. They cannot grant letters of marque and reprisal, keep troops in time of peace without the consent of congress, nor engage in war unless actually invaded or the danger is so imminent as not to admit of delay.

4. They cannot grant titles of nobility, collect duties on imports and exports, or on tonnage, without the consent of congress.

546. Rights of States. A new state cannot be formed within the jurisdiction of another, nor by the junction of two or more states without the consent of the legislatures concerned. Each state may demand protection against invasion and against domestic violence.

“The powers not delegated to the United States by the constitution nor prohibited by it to the states, are reserved to the states respectively, or to the people.”

547. Requisitions. A person fleeing from justice from one state to another may, on the demand of the governor, be delivered to the state having jurisdiction of the crime. The demand must be made on the governor of the state to which the fugitive has fled. The demand should be accompanied by a copy of the indictment, or an affidavit made before a magistrate charging the fugitive with having committed the crime, and certified as authentic by the governor making the demand. It then becomes the duty of the governor upon whom the demand is made to order the arrest of the criminal and to turn him over to the agent of the state making the demand.

548. Stimulating Questions. 1. Should the president be elected by a direct vote of the people?

2. Should electors be voted for by districts?

3. Should United States senators be elected by a direct vote of the people?

4. Why limit copyrights and patents?

5. Where are the United States district courts held in Missouri? Who are the judges at this time?

THE
Government of the United States

B. A. HINSDALE, Ph.D., LL.D.

PART III.

NOTICE.

The following account of the Government of the United States has been prepared to supplement the Outlines of State History and Civil Government that form the characteristic features of the STATE GOVERNMENT SERIES. It is but a general sketch of the subject. Moreover, it is exclusively occupied with the government *as it is*, and *as it works*, and not *as it might be*, or *should be*. Argument and criticism are mainly wanting. The causes of these facts are too obvious to require statement. It is assumed that, in accordance with the views expressed in the General Introduction, the study of the particular State dealt with in any volume will precede the study of the United States.

The Author adds that he has treated the subject handled in this outline far more fully in his work entitled, THE AMERICAN GOVERNMENT, NATIONAL AND STATE. The new and revised edition of this work, pp. viii, 488, is published by The Werner Company. Pupils, and particularly teachers, who desire fuller information on the subjects here considered, are referred to that work. Appropriate references will be found under the headings of the several Chapters.

B. A. H.

THE UNIVERSITY OF MICHIGAN,

August 16, 1895.

THE
Government of the United States.

CHAPTER XX.

THE MAKING OF THE GOVERNMENT.

The American Government. Sections 65-222 inclusive.

The United States, both as forty-four individual States and as a Nation, are an outgrowth of the Thirteen English Colonies planted on the eastern shore of North America in the years 1607-1732. The process by which this change was effected, will be briefly described in this chapter.

549. The Colonial Governments.—The Kings of England gave to the companies, proprietors, and associations that planted the Colonies certain political powers and rights. These powers and rights were formally granted in documents called charters and patents; they were duly protected by regular governments, and so became the possession of the people of the Colonies. While differing in details, these governments were alike in their larger features. There was in every Colony (1) an Assembly or popular house of legislation; (2) a Council, which served as an upper house of legislation in most of the Colonies and as an

advisory body to the governor in all of them; (3) a Governor, and (4) Courts of Law. The members of the assembly were chosen by the qualified voters. The members of the council and the governors were elected by the people in Connecticut and Rhode Island, and were appointed by the proprietors in Maryland and Pennsylvania, and by the king in the other colonies. The judges were generally appointed by the king or his representatives. Powers of local government were distributed to local officers in every Colony.

550. The Home Government.—The Kings who granted the charters and patents, for themselves and their descendants, guaranteed to their subjects who should settle in the Colonies and their children, all liberties, franchises, and immunities of free denizens and native subjects within the realm of England. Previous to the troubles that led to the Revolution, the Home government commonly left the Colonies practically alone as free states to govern themselves in their own way. Still they were colonies. The charters enjoined them not to infringe the laws of England, and Parliament passed an act expressly declaring that all laws, by-laws, usages, and customs which should be enforced in any of them contrary to any law made, or to be made, in England relative to said Colonies, should be utterly void and of none effect. Moreover, the power to decide what was so contrary the Home government retained in its own hands.

551. Dual Government.—Thus from the very beginning the Colonies were subject to two political authorities; one their own Colonial governments, the other the Crown and Parliament of England. In other words, government was double, partly local and partly general. This fact should be particularly noted, for it is the hinge upon

which our present dual or federal system of government turns. The American, therefore, as has been said, has always had two loyalties and two patriotisms.

552. Division of Authority.—In general, the line that separated the two jurisdictions was pretty plainly marked. It had been traced originally in the charters and patents, and afterwards usage, precedent, and legislation served to render it the more distinct. The Colonial governments looked after purely Colonial matters; the Home government looked after those matters that affected the British Empire. The Colonies emphasized one side of the double system, the King and Parliament the other side. There were frequent disagreements and disputes; still the Colonists and the Mother Country managed to get on together with a good degree of harmony until Parliament, by introducing a change of policy, brought on a conflict that ended in separation.

553. Causes of Separation.—The right to impose and collect duties on imports passing the American custom houses, the Home government had from the first asserted and the Colonies conceded. But local internal taxation had always been left to the Colonial legislatures. Beginning soon after 1760, or about the close of the war with France, which had left the Mother Country burdened with a great debt, Parliament began to enforce such taxes upon the people directly. These taxes the Colonies resisted on the ground that they were imposed by a body in which they were not represented or their voice heard. Taxation without representation they declared to be tyranny. At the same time, the acts relative to American navigation were made more rigorous, and vigorous measures were taken to enforce them. In the meantime the Colonies had greatly increased in

numbers and in wealth, and the idea began to take root that such a people, inhabiting such a country, could not permanently remain dependent upon England but must become an independent power. The Stamp tax was one of the objectionable taxes.

554. Independence.—The Home government dropped or changed some of its obnoxious measures, but still adhered to its chosen policy. New and more obnoxious measures were adopted, as the Massachusetts Bay Bill and the Boston Port Bill. The Congresses of 1765 and 1774 protested, but to no real purpose. Some of the Colonies, like Massachusetts, began to take measures looking to their defense against aggression; and the attempt of General Gage, commanding the British army in Boston, to counteract these measures led to the battle of Lexington, April 19, 1775, and immediately brought on the war. All attempts at composing the differences failing, and the theater of war continuing to widen, the American Congress, on July 4, 1776, cut the ties that bound the Thirteen Colonies to England. After eight years of war the British government acknowledged American Independence.

555. The Political Effects of Independence.—The Declaration of Independence involved two facts of the greatest importance. One was the declaration that the Colonies were free and independent States, absolved from all allegiance to the British crown. The other was the formation of the American Union. The original members of the Union as States and the Union itself were due to the same causes. The language of the Declaration is, “We,the representatives of the United States of America, in general congress assembled, . . . do, in the name, and by the authority, of the good people of these Colonies, solemnly publish and declare” their independence.

The States took their separate position as a nation among the powers of the earth. Thus, before the Revolution there were Colonies united politically only by their common dependence upon England; since the Revolution there have been States united more or less closely in one federal state or union.

556. The Continental Congress.—The body that put forth the Declaration of Independence, known in history as the Continental Congress, had, in 1775, assumed control of the war in defense of American rights. It had adopted as a national army the forces that had gathered at Boston, had made Washington its commander-in-chief, and had done still other things that only governments claiming nationality can do. And so it continued to act. First the American people, and afterwards foreign governments, recognized the Congress as a national government. But it was a revolutionary government, resting upon popular consent or approval, and not upon a written constitution. A government of a more regular and permanent form was called for, and to meet this call Congress, in 1777, framed a written constitution to which was given the name, "Articles of Confederation and Perpetual Union." Still Congress had no authority to give this constitution effect, and could only send it to the States and ask them for their ratifications. Some delay ensued, and it was not until March 1, 1781, that the last ratification was secured and the Articles went into operation.

557. The Confederation.—The government that the Articles provided for was very imperfect in form. It consisted of but one branch, a legislature of a single house called Congress. Such executive powers as the Government possessed were vested in this body. The States appointed delegates in such manner as they saw fit, and had an equal voice in deciding all questions. Nine States were

necessary to carry the most important measures, and to amend the Articles required unanimity. In powers the Government was quite as defective as in form. It could not enforce its own will upon the people, but was wholly dependent upon the States. It could not impose taxes or draft men for the army, but only call upon the States for money and men ; and if the States refused to furnish them, which they often did, Congress had no remedy. Much of the disaster and distress attending the war grew out of the weakness of Congress, and when peace came the States became still more careless, while Congress became weaker than ever. Meantime the state of the country was as unsatisfactory as that of the Government. The State governments were efficient, but they looked almost exclusively to their own interests. Commercial disorder and distress prevailed throughout the country. As early therefore as 1785 the conviction was forcing itself upon many men's minds that something must be done to strengthen the Government or the Union would fall to pieces.

558. Calling of the Federal Convention.—In 1785 Commissioners representing Virginia and Maryland met at Alexandria, in the former State, to frame a compact concerning the navigation of the waters that were common to the two States. They reported to their respective Legislatures that the two States alone could do nothing, but that general action was necessary. The next year commissioners representing five States met at Annapolis to consider the trade of the country, and these commissioners concluded that nothing could be done to regulate trade separate and apart from other general interests. So they recommended that a general convention should be held at Philadelphia to consider the situation of the United States, to devise further pro-

visions to render the Articles of Confederation adequate to the needs of the Union, and to recommend action that, when approved by Congress and ratified by the State Legislatures, would effectually provide for the same. This recommendation was directed to the Legislatures of the five States, but copies of it were sent to Congress also and to the Governors of the other eight States. So in February, 1787, Congress adopted a resolution inviting the States to send delegates to such a convention to be held in Philadelphia in May following. And the Legislatures of all the States but Rhode Island did so.

559. The Constitution Framed.—On May 25, 1787, the Convention organized, with the election of Washington as President. It continued in session until September 17, when it completed its work and sent our present National Constitution, exclusive of the fifteen Amendments, to Congress. In framing this document great difficulties were encountered. Some delegates favored a government of three branches; others a government of a single branch. Some delegates wanted a legislature of two houses; some of only one house. Some delegates wished the representation in the houses to be according to the population of the States; others were determined that it should be equal, as in the Old Congress. Differences as to the powers to be exercised by Congress were equally serious. There were also controverted questions as to revenue, the control of commerce, the slave trade, and many other matters. Furthermore, the opinions that the delegates held were controlled in great degree by State considerations. The large States wanted representation to be according to population; a majority of the small ones insisted that it should be equal. The commercial States of the North said Congress should control the

subject of commerce, which the agricultural States of the South did not favor. Georgia and the Carolinas favored the continuance of the slave trade, to which most of the other States were opposed. But progressively these differences were overcome by adjustment and compromise, and, at the end, all of the delegates who remained but three signed their names to the Constitution, while all the States that were then represented voted for its adoption. What had been done, however, was to frame a new constitution and not to patch up the old one. The body that framed it is called the Federal Convention.

560. The Constitution Ratified.—The Convention had no authority to make a new constitution, but only to recommend changes in the old one. So on the completion of its work, it sent the document that it had framed to Congress with some recommendations. One of these was that Congress should send the Constitution to the States, with a recommendation that the Legislatures should submit it to State conventions to be chosen by the people, for their ratification. Congress took such action, and the States, with the exception of Rhode Island, took the necessary steps to carry out the plan. Ultimately every State in the Union ratified the Constitution; but North Carolina and Rhode Island did not do so until the new Government had been some time in operation. Nor was this end secured in several of the other States, as Massachusetts, New York, and Virginia, without great opposition.

561. Friends and Enemies of the Constitution.—Those who favored the ratification of the Constitution have been divided into these classes: (1) Those who saw that it was the admirable system that time has proved it to be; (2) those who thought it imperfect but still be-

lieved it to be the best attainable government under the circumstances; (3) the mercantile and commercial classes generally, who believed that it would put the industries and trade of the country on a solid basis. Those who opposed it have been thus divided: (1) Those who resisted any enlargement of the National Government, for any reason; (2) those who feared that their importance as politicians would be diminished; (3) those who feared that public liberty and the rights of the States would be put in danger; (4) those who were opposed to vigorous government of any kind, State or National.¹

562. The New Government Inaugurated.—The new Constitution was to take effect as soon as nine States had ratified it, its operation to be limited to the number ratifying. When this condition had been complied with, Congress enacted the legislation necessary to set the wheels of the new Government in motion. It fixed a day for the appointment of Presidential Electors by the States, a day for the Electors to meet and cast their votes for President and Vice-President, and a day for the meeting of the new Congress. The day fixed upon for Congress to meet was March 4, 1789; but a quorum of the House of Representatives was not secured until April 1, and of the Senate not until April 6, owing to various causes. On the second of these dates the Houses met in joint convention to witness the counting of the Electoral votes. Washington was declared elected President, John Adams Vice-President. Messengers were at once sent to the President- and Vice-President-elect summoning them to New York, which was then the seat of government. Here Washington was inaugurated April 30. The Legislative and Executive branches of the Government were now in motion.

¹G. T. Curtis: *History of the Constitution*, Vol. II, pp. 495, 496.

CHAPTER XXI.

AMENDMENTS MADE TO THE CONSTITUTION.

The American Government. Sections 457-460; 467-474; 536-537; 604-607; 623-652.

It was anticipated that amendments to the Constitution would be found necessary, and a method was accordingly provided for making them. This method embraces the two steps that will now be described.

563. Proposing an Amendment.—This may be done in either one of two ways. First, Congress may propose an amendment by two-thirds votes of both Houses; secondly, Congress shall, on the application of the Legislatures of two-thirds of the States, call a convention of the States for that purpose. The first way is evidently the simpler and more direct of the two, and it is the one that has always been followed.

564. Ratifying an Amendment.—This also may be done in two ways. One is to submit the amendment to the Legislatures of the States, and it becomes a part of the Constitution when it is ratified by two-thirds of them. The other way is to submit the amendment to conventions of the States, and it becomes binding when two-thirds of such conventions have given it their approval. Congress determines which of the two ways shall be adopted. The first is simpler and more direct, and it has been followed in every instance.

565. Amendments I-X.—One of the principal objections urged against the Constitution when its ratification was pending in 1787-88, was the fact that it lacked a bill of rights. Such a bill, it may be observed, is a

statement of political principles and maxims. The States had fallen into the habit of inserting such bills in their constitutions. At its first session, Congress undertook to remedy this defect. It proposed twelve amendments, ten of which were declared duly ratified, December 15, 1791. These amendments, numbered I to X, are often spoken of as a bill of rights.

566. Amendment XI.—Article III of the Constitution made any State of the Union suable by the citizens of the other States and by citizens or subjects of foreign states. (See section 2, clause 1.) This was obnoxious to some of the States, and when such citizens began to exercise their right of suing States a movement was set on foot to change the Constitution in this respect. An amendment having this effect was duly proposed, and was declared ratified January 8, 1798.

567. Amendment XII.—According to the original Constitution, the members of the Electoral colleges cast both their ballots for President and neither one for Vice-President. The rule was that the candidate having most votes should be President, and the one having the next larger number Vice-President, provided in both cases it was a majority of all the Electors. In 1800 it happened that Thomas Jefferson and Aaron Burr had each an equal number of votes and a majority of all. The Democratic-Republican party, to which they belonged, had intended Jefferson for the first place and Burr for the second. The election went to the House of Representatives, and was attended by great excitement. Steps were taken to prevent a repetition of such a dead-lock. This was accomplished by an amendment declared ratified September 25, 1804.

568. Amendment XIII.—Slavery was the immediate exciting cause of the Civil War, 1861-65. In the course

of the war President Lincoln, acting as commander-in-chief of the army and navy of the United States, declared all the slaves held in States and parts of States that were enlisted in the war against the Union free. The other Slave States, Delaware, Maryland, Kentucky, Tennessee, and Missouri, and parts of Louisiana and Virginia, his power did not reach as they were not in rebellion. The conviction grew strong throughout the country that slavery should not survive the war. This conviction asserted itself in Amendment XIII, which took effect December 18, 1865.

569. Amendment XIV.—At the close of the Civil War Congress was called upon to deal with the important question of readjusting the States that had seceded from the Union. It was thought necessary to incorporate certain new provisions into the Constitution. So an elaborate amendment was prepared and duly ratified. It was declared in force July 28, 1868. The most far-reaching of the new provisions were those in relation to citizenship contained in the first section.

570. Amendment XV.—Down to 1870 the States had fixed the qualifications of their citizens for voting to suit themselves. At that time most of the States, and all of the Southern States, excluded negroes from the suffrage. The emancipation of the slaves, together with Amendment XIV, made the negroes citizens of the United States and of the States where they resided. But the negroes had no political power, and so no direct means of defending their civil rights. To remedy this state of things a new amendment was proposed and ratified, bearing the date of March 30, 1870. It declared that the right of citizens to vote should not be abridged, either by the United States or by any State, on account of race, color, or previous condition of servitude.

CHAPTER XXII.

THE SOURCE AND NATURE OF THE GOVERNMENT.

The American Government. Sections 223-262; 610-613; 615-620; 655-658; 763-772.

The source of the Government of the United States, and some of its leading features, are either stated or suggested in the first paragraph of the Constitution. This paragraph is commonly called the Preamble, but it is really an enacting clause, since it gives the instrument its whole force and validity.

571. **The Preamble.** — “We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

The following things are either asserted or implied in this language :—

1. The Government proceeds from the people of the United States. They ordain and establish it. It is therefore republican, government of the people, by the people, and for the people.

2. The ends for which it is ordained and established are declared. It is to form a more perfect union, establish justice, etc.

3. It is a constitutional government. It rests upon a written fundamental law. On the one part it is opposed

to an absolute government, or one left to determine its own powers, like that of Russia; and on the other, it is opposed to a government having an unwritten constitution, consisting of maxims, precedents, and charters, like that of England.

4. The terms Union and United States suggest that it is a federal government. The peculiarity of a federal state is that local powers are entrusted to local authorities, while general powers are entrusted to general or national authorities. How this division of powers originated, and how it affected the country in 1785-1789, was pointed out in the last chapter. The government of a State has been described in Part II. of this work. Part III. is devoted to the Government that is over all the States.

5. The same terms suggest that the Government is one of enumerated powers. It must be remembered that when the Constitution was framed thirteen State governments were already in existence, and that no one dreamed of destroying them or of consolidating them into one system. The purpose was rather to delegate to the new Government such powers as were thought necessary to secure the ends named in the Preamble, and to leave to the States the powers that were not delegated, unless the contrary was directly specified.

572. The Constitution in Outline.—The Constitution is divided into seven Articles, which are again divided into sections and clauses.

ARTICLE I. relates to the Legislative power.

ARTICLE II. relates to the Executive power.

ARTICLE III. relates to the Judicial power.

ARTICLE IV. relates to several subjects, as the rights and privileges of citizens of a State in other States, the surrender of fugitives from justice, the admission of

new States to the Union, the government of the National territory, and a guarantee of a republican government to every State.

ARTICLE V., a single clause, relates to the mode of amending the Constitution.

ARTICLE VI. relates to the National debt and other engagements contracted previous to 1789 and the supremacy of the National Constitution and laws.

ARTICLE VII., consisting of a single sentence, prescribes the manner in which the Constitution should be ratified, and the time when it should take effect.

The fifteen Amendments relate to a variety of subjects, as has been explained in Chapter II.

573. The Three Departments.—It has been seen that the Constitution distributes the powers of government among three departments, which it also ordains and establishes. This was done partly to secure greater ease and efficiency of working, and partly as a safeguard to the public liberties. Absolute governments are simple in construction, concentrating power in the hands of one person, or of a few persons; while free governments tend to division and separation of powers. In the words of Mr. Madison: “The accumulation of all powers, legislative, executive, and judiciary in the same hands, whether of one, a few, or many, and whether hereditary, self appointed, or elective, may justly be pronounced the very definition of tyranny.”¹

¹ *The Federalist*, No. 47.

CHAPTER XXIII.

THE COMPOSITION OF CONGRESS AND THE ELECTIONS OF ITS MEMBERS.

The American Government. Sections 263-301; 324-330.

574. *Congress a Dual Body.*—From an early time, the English Parliament has consisted of two chambers, the House of Commons and the House of Lords. Such a legislature is called bicameral, as opposed to one that is unicameral. The words mean consisting of two chambers and of one chamber. The great advantage of a bicameral legislature is that it secures fuller and more deliberate consideration of business. One house acts as a check or balance to the other; or, as Washington once put it, tea cools in being poured from the cup into the saucer. Countries that Englishmen have founded have commonly followed the example of the Mother Country in respect to the duality of their legislatures. Such was the case with the Thirteen Colonies, but such was not the case with the American Confederation from 1775 to 1789. In the Convention that framed the Constitution, the question arose whether the example of England and of the Colonies, or the example of the Confederation, should be followed. It was finally decided that all the legislative powers granted to the new Government should be vested in a Congress

which should consist of a Senate and a House of Representatives.

575. Composition of the Two Houses.—The House of Representatives is composed of members who are apportioned to the several States according to their respective numbers of population, and are elected for two years by the people of the States. The Senate is composed of two Senators from every State chosen by the Legislatures thereof, and each Senator has one vote.

The composition of Congress at first sharply divided the Federal Convention. Some members wanted only one house. Others wanted two houses. Some members were determined that the States should be represented in the new Congress equally, as had been the case in the old one. Others were determined that representation should be according to population. These controversies were finally adjusted by making two houses, in one of which representation should be equal and in the other proportional. This arrangement explains why New York and Nevada have each two Senators, while they have respectively thirty-four members and one member in the House of Representatives. This equality of representation in the Senate is the most unchangeable part of the National Government. The Constitution expressly provides that no State shall, without its own consent, ever be deprived of its equal suffrage in the Senate, which is equivalent to saying that it shall never be done at all. No such provision is found in relation to any other subject.

576. Qualifications of Representatives and Senators.—A Representative must be twenty-five years old, and must be a citizen of the United States of at least

seven years' standing. A Senator must be thirty years of age and must be nine years a citizen. The Representative and the Senator alike must be an inhabitant of the State in which he is elected or for which he is chosen. Previous absence from the State, even if protracted, as in the case of a public minister or consul to a foreign country, or a traveler, does not unfit a man to sit in either house. Representatives are not required by law to reside in their districts, but such is the custom.

No person can be a Senator or Representative, or an Elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who having once taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an Executive or Judicial officer of any State, to support the Constitution of the United States, has afterwards engaged in insurrection or rebellion against the same, or given assistance to their enemies. But Congress may remove this disability by a two-thirds vote of each house.

577. Regulation of Elections.—The times, places, and manner of electing Senators and Representatives are left, in the first instance, to the Legislatures of the States, but they are so left subject to the following rule: "Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators." Defending this rule in 1788, Mr. Hamilton said: "Every government ought to contain in itself the means of its own preservation; while it is perfectly plain that the States, or a majority of them, by failing to make the necessary regulations, or by making improper ones, could break up or prevent the first elections of the Houses of

Congress." The right to name the places where Senators shall be chosen is denied to Congress for a very sufficient reason. If Congress possessed that power it could determine, or at least largely influence, the location of the State capitals.

578. Elections of Senators.—Previous to 1866, the Legislature of every State conducted these elections as it pleased. Sometimes the two houses met in joint convention, a majority of the whole body determining the choice. Sometimes the two houses voted separately, a majority of each house being required to elect. It is obvious that the two methods might operate very differently. If the same political party had a majority in both houses, the result would probably be the same in either case; but if the two houses were controlled by different parties, then the party having the majority of votes on a joint ballot would probably elect the Senator. If the second plan was followed, and the two houses differed in regard to a choice, there were delays, and elections were sometimes attended by serious scandals. So Congress, in 1866, passed a law providing that the Legislature next preceding the expiration of a Senator's term, in any State, shall, on the second Tuesday after its meeting and organization, proceed to elect a Senator in the following manner:—

1. Each house votes, *viva voce*, for Senator. The next day at twelve o'clock the two houses meet in joint session, and if it appears from the reading of the journals of the previous day's proceedings that the same person has received a majority of all the votes cast in each house, he is declared duly elected.

2. If no election has been made, the joint assembly proceeds to vote, *viva voce*, for Senator, and if any

person receive a majority of all the votes of the joint assembly, a majority of all the members elected to both houses being present and voting, such person is declared duly elected.

3. If a choice is not made on this day, then the two houses must meet in joint assembly each succeeding day at the same hour, and must take at least one vote, as before, until a Senator is elected or the Legislature adjourns.

4. If a vacancy exists on the meeting of the Legislature of any State, said Legislature must proceed, on the second Tuesday after its meeting and organization, to fill such vacancy in the same manner as in the previous case; and if a vacancy occur when the session is in progress, the Legislature must proceed, as before, to elect on the second Tuesday after they have received notice of the vacancy.

579. Vacancies.—When a vacancy occurs in the recess of the Legislature of a State, owing to death or other cause, the Governor makes an appointment that continues until the next meeting of the Legislature, when the vacancy is filled in the usual manner. In all cases of vacancies the appointed or newly elected Senator only fills out the term of his predecessor.

580. Division of Senators.—The Senators are equally divided, or as nearly so as may be, into three classes with respect to the expiration of their terms, as follows:

Class 1, 1791, 1797.....1887, 1893

Class 2, 1793, 1799.....1889, 1895

Class 3, 1795, 1801.....1891, 1897

The two Senators from a State are never put in the same class; and as the terms of the first Senators from a State now admitted to the Union expire with the terms

of the classes to which they are assigned, one or both of them may serve less than the full term of six years.

581. Electors of Representatives.—The persons who may vote for the most numerous branch of the State Legislature in any State, or the house of representatives, may also vote for members of the National House of Representatives. Usually, however, a State has only one rule of suffrage; that is, a person who may vote for members of the lower house of the State Legislature may vote also for all State and local officers. Practically, therefore, the rule is that State electors are National electors; or, in other words, the Constitution adopts for its purposes the whole body of the State electors, whoever they may be. In Wyoming and Colorado women vote on the same terms and conditions as men. In Massachusetts, Connecticut, Maine, and Mississippi there is an educational qualification for the suffrage. But in most of the States males only, twenty-one years of age and upwards, having certain prescribed qualifications, are permitted to vote.

582. Apportionment of Representatives in the Constitution.—The Constitution provides that members of the House of Representatives shall be apportioned among the several States according to their respective numbers. The original rule for determining these numbers was that all free persons, including apprentices or persons bound to service for a term of years, but excluding Indians not taxed (or Indians living in tribal relations), and three-fifths of all other persons, should be counted. The "other persons" were the slaves. The abolition of slavery and the practical disappearance of apprenticeship have considerably simplified matters. The Fourteenth Amendment to the Constitution provides that

Representatives shall be apportioned according to population, counting the whole number of persons in a State, excluding Indians who are not taxed. This rule is applied to the people of the States regardless of age, sex, color, or condition. The Constitution further provides that the number of Representatives shall not exceed one for every 30,000 people, but that every State shall have one Representative regardless of population.

583. The Census.—The Constitution of 1787 fixed the number of members of the House of Representatives at 65, and apportioned them among the States as best it could, using the information in respect to population that was accessible. It also provided that an actual enumeration of the people should be made within three years of the first meeting of Congress, and that it should be repeated thereafter within every period of ten years. This enumeration was also called the census. In conformity with this provision, eleven decennial censuses of the United States have been taken, 1790, 1800, . . . 1890.

584. Method of Apportionments.—The decennial apportionment of members of the House is made by Congress, and that body has performed the duty in different ways. The apportionment of 1893 was made in the following manner: First, the House was conditionally made to consist of 356 members. Next the population of the country, not counting the Territories, was divided by this number, which gave a ratio of 173,901. The population of every State was then divided by this ratio and the quotients added, giving 339. The numbers of Representatives indicated by these quotients were then assigned to the several States, and one Representative each in addition to the seventeen States having fractions larger than one-half the ratio, thus making the original number 356.

When a new State comes into the Union, its Representative or Representatives are added to the number previously constituting the House.¹

585. Elections of Representatives.—For fifty years Congress allowed the States to elect their Representatives in their own way. The State Legislatures fixed the times and the places and regulated the manner of holding the elections; the elections were conducted without any regulation or control whatever being exercised by the National Government. Very naturally there were considerable differences of practice. In 1842 Congress first exercised its power of regulation. Three points must be noted:—

1. In 1842 Congress provided by law that, in every case where a State was entitled to more than one Representative, the members to which it was entitled should be elected by districts composed of contiguous territory equal in number to the number of Representatives to be chosen, no district electing more than one. It is, however, provided that when the number of Representatives to which a State is entitled has been increased at any decennial apportionment, and the State Legislature has failed to make the districting conform to the change,

¹ The Numbers of the House and the Ratios of Representation are set down in the following table, with the period:

Period.	Size of House.	Ratio.
1789-1793	65	
1793-1803	105	33,000
1803-1813	141	33,000
1813-1823	181	35,000
1823-1833	212	40,000
1833-1843	240	47,700
1843-1853	223	70,680
1853-1863	234	93,503
1863-1873	241	127,941
1873-1883	292	130,533
1883-1893	332	151,911
1893	356	173,901

the whole number shall be chosen by the State as a unit and not by districts. It is also provided that if the number apportioned to any State is increased, and the Legislature fails to district the State, the old districting shall stand, but that the additional member or members shall be elected by the State as a whole. Representatives elected on a general ticket, and not by district tickets, from States having more than one member, are called Representatives-at-large. Since 1872 Congress has prescribed that the districts in a State must, as nearly as practicable, contain an equal number of inhabitants. Congress has never constituted the Congressional districts, as they are called, but has always left that duty to the State Legislatures. As a rule the division of the States into districts, when once made, is allowed to stand for ten years, or until a new apportionment is made; but not unfrequently it is changed, or the State is re-districted, as the saying is, for the sake of obtaining some political advantage. The operation called "gerrymandering"¹ is only too well known in American history.

2. In 1872 Congress enacted that all votes for members of the House of Representatives should be by printed ballots, and that rule has continued until the present day.

3. In 1873 Congress prescribed that the elections should be held on the Tuesday next after the first Monday in November in every odd year, 1873, 1875 . . . 1893, 1895, etc. Later legislation exempted from the operation of

¹The *Century Dictionary* gives the following history of this word: "Gerrymander. In humorous imitation of *Salamander*, from a fancied resemblance of this animal to a map of one of the districts formed in the redistricting of Massachusetts by the Legislature in 1811, when Elbridge Gerry was Governor. The districting was intended (it was believed, at the instigation of Gerry), to secure unfairly the election of a majority of Democratic Senators. It is now known, however, that he was opposed to the measure."

this rule such States as had prescribed a different day in their constitutions. Accordingly Oregon elects her Representatives the first Monday of June, Vermont hers the first Tuesday of September, and Maine hers the second Monday of the same month.

In nearly every case, if not indeed in every one, the State elects State officers at the same time that the elections of the National House of Representatives are held. Moreover, the elections of Representatives are conducted by the same officers that conduct the State elections. These officers count the votes and make the returns required by law. The Representative receives his certificate of election from the Governor of his State. If a vacancy occurs in any State, owing to any cause, the Governor issues a proclamation, called a writ of election, appointing a special election to fill the vacancy.

586. Compensation of Members of Congress.—Senators and Representatives receive a compensation from the Treasury of the United States. Congress fixes by law the pay of its own members, subject only to the President's veto.¹

¹The compensation at different times is exhibited in the following table:

1789-1815.....	\$ 6.00 a day.
1815-1817.....	1500.00 a year.
1817-1855.....	8.00 a day.
1855-1865.....	3000.00 a year.
1865-1871.....	5000.00 a year.
1871-1873.....	7500.00 a year.
1873-1895.....	5000.00 a year.

Save for a period of only two years, Senators and Representatives have always received a mileage or traveling allowance. At present this allowance is twenty cents a mile for the necessary distance traveled in going to and returning from the seat of government. The Vice-President, the President *pro tempore* of the Senate, and the Speaker of the House of Representatives now receive each a salary of \$8,000 a year.

587. Privileges of Members of Congress.—In all cases but treason, felony, and breach of the peace, Senators and Representatives are exempt from arrest during their attendance at the session of their respective houses and in going to and returning from the same. In other words, unless he is charged with one or more of the grave offenses just named, a member of either house cannot be arrested from the time he leaves his home to attend a session of Congress until he returns to it. Further, a Senator or Representative cannot be held responsible in any other place for any words that he may speak in any speech or debate in the house to which he belongs. This rule protects him against prosecution in the courts, even if his words are slanderous. Still more, speeches or debates, when published in the official report called "The Congressional Record," are also privileged matter, and the speakers cannot be held accountable for libel. This freedom from arrest and this exemption from responsibility in respect to words spoken in the discharge of public duty, are not privileges accorded to the Senator and Representative in their own interest and for their own sake, but rather in the interest and for the sake of the people whom they represent. If they were liable to arrest for any trivial offense, or if they could be made to answer in a court of law for what they might say on the floor of Congress, the business of the country might be interfered with most seriously. The rights of legislative bodies must be rigidly maintained. The one rule given above is necessary to protect the freedom of representation, the other to protect the freedom of debate.

588. Prohibitions Placed Upon Members of Congress.—No Senator or Representative can, during the time for which he was elected, be appointed to any civil

office under the United States that is created, or the pay of which is increased, during such time. Appointments to many offices, and to all of the most important ones, are made by the President with the advice and consent of the Senate. Moreover, the President is always interested in the fate of measures that are pending before Congress, or are likely to be introduced into it. There is accordingly a certain probability that, if he were at liberty to do so, the President would enter into bargains with members of Congress, they giving him their votes and he rewarding them with offices created or rendered more lucrative for that very purpose. This would open up a great source of corruption. A Senator or Representative may, however, be appointed to any office that existed at the time of his election to Congress, provided the compensation has not been since increased. Still he cannot hold such office while a member of Congress. On the other hand, the Constitution expressly declares: "No person holding any office under the United States shall be a member of either house during his continuance in office."

589. Length of Congress.—The term Congress is used in two senses. It is the name of the National Legislature as a single body, and it is also the name of so much of the continuous life of that body as falls within the full term of office of the Representative. We speak of Congress, and of a Congress. Thus there are a First, Second, and Fifty-fourth Congress filling the periods 1789-1791, 1791-1793 1895-1897. The length of a Congress was fixed when the Convention of 1787 made the Representative's term two years. The time of its beginning and ending was due to an accident. The Old Congress provided in 1788 for setting the new Government in operation; it named

the first Wednesday of March, 1789, as the day when the two Houses of Congress should first assemble, which happened to be the fourth day of that month. Thus a point of beginning was fixed and, as the rule has never been changed, our Congresses continue to come and go on the fourth of March of every other year. The present procedure is as follows: Representatives are chosen in November of every even year, 1892, 1894, 1896, while their terms begin, and so the successive Congresses, on March 4 of every odd year, 1893, 1895, 1897.

While Representatives come and go together at intervals of two years, Senators come and go in thirds at the same intervals. The result is that while a House of Representatives lasts but two years, the Senate is a perpetual body.

590. Meeting of Congress.—Congress must assemble at least once every year, and such meeting is on the first Monday of December, unless by law it names another day. Hence every Congress holds two regular sessions. Furthermore, Congress may by law provide for special sessions, or it may hold adjourned sessions, or the President, if he thinks it necessary, may call the houses together in special session. As a matter of fact, all of these things have been done at different times. As the law now stands the first regular session of Congress begins on the first Monday of December following the beginning of the Representative's term, and it may continue until the beginning of the next regular session, and commonly does continue until midsummer. The second regular session begins the first Monday of December, but can continue only until March 4 of the next year, or until the expiration of the Representative's term. It is the custom to call these the long and the short sessions.

CHAPTER XXIV.

THE ORGANIZATION OF CONGRESS AND ITS METHOD OF DOING BUSINESS.

The American Government. Sections 275; 293-294; 312-323;
331-340.

591. Officers of the Senate.—The Vice-President of the United States is President of the Senate, but has no vote unless the Senators are equally divided. The Senate chooses its other officers, the Secretary, Chief Clerk, Executive Clerk, Sergeant-at-Arms, Door Keeper, and Chaplain. The duties of these officers are indicated by their titles. The Senators also choose one of their number President *pro tempore*, who presides in the absence of the Vice-President or when he has succeeded to the office of President. The Senate is a perpetual body, and is ordinarily fully organized, although not in actual session, at any given time.

592. Officers of the House of Representatives.—The House chooses one of its members Speaker, who presides over its proceedings. It also chooses persons who are not members to fill the other offices, the Clerk, Sergeant-at-Arms, Postmaster, and Chaplain. The Speaker has the right to vote on all questions, and must do so when his vote is needed to decide the question that is pending. He appoints all committees, designating their chairmen, and is himself chairman of the important Committee on Rules. His powers are very great, and he is sometimes said to exercise as much

influence over the course of the Government as the President himself. The Speaker's powers cease with the death of the House that elects him, but the Clerk holds over until the Speaker of the next House is elected, on which occasion he presides. It is common to elect an ex-member of the House Clerk.

593. The Houses Judges of the Election of their Members.—The Houses are the exclusive judges of the elections, returns, and qualifications of their members. That is, if the question arises whether a member has been duly elected, or whether the returns have been legally made, or whether the member himself is qualified, the house to which he belongs decides it. In the House of Representatives contested elections, as they are called, are frequent. As stated before, the Governor of the State gives the Representative his certificate of election, which is duly forwarded to Washington addressed to the Clerk of the House next preceding the one in which the Representative claims a seat. The Clerk makes a roll of the names of those who hold regular certificates, and all such persons are admitted to take part in the organization of the House when it convenes. Still such certificate and admission settle nothing when a contestant appears to claim the seat. The House may then investigate the whole case from its very beginning, and confirm the right of the sitting member to the seat, or exclude him and admit the contestant to it, or declare it vacant altogether if it finds that there has been no legal election. In the last case, there must be a new election to fill the vacancy. The Governor of the State also certifies the election of the Senator. A Senator-elect appearing with regular credentials is admitted to be sworn and to enter upon his duties, but the Senate is still at liberty to inquire into his election and qualifi-

cations, and to exclude him from his seat if, in its judgment, the facts justify such action. In respect to qualifications, it may be said that persons claiming seats, or occupying them, have been pronounced disqualified because they were too young, or because they had not been naturalized a sufficient time, or because they have been guilty of some misconduct. From the decision of the Houses in such cases there is no appeal.

594. Quorums.—The Houses cannot do business without a quorum, which is a majority of all the members; but a smaller number may adjourn from day to day, and may compel the attendance of absent members. Whether a quorum is present in the House of Representatives or not, is determined by the roll-call or by the Speaker's count. If a quorum is not present, the House either adjourns or it proceeds, by the method known as the call of the House, to compel the attendance of absentees. In the latter case officers are sent out armed with writs to arrest members and bring them into the chamber. When a quorum is obtained, the call is dispensed with and business proceeds as before. The rules of the Fifty-first and Fifty-third Congresses allowed the names of members who were present but who refused to vote to be counted, if necessary, for the purpose of making up a quorum.

595. Rules of Proceedings.—Each house makes its own rules for the transaction of business. The rules of the Senate continue in force until they are changed, but those of the House of Representatives are adopted at each successive Congress. Still there is little change even here from Congress to Congress. Owing to the greater size of the body, the rules of the House are much more complex than the rules of the Senate. The rules of both Houses, like the rules of all legislative

assemblies in English-speaking countries, rest ultimately upon what is known as Parliamentary Law, which is the general code of rules that has been progressively developed by the English Parliament to govern the transaction of its business. Still many changes and modifications of this law have been found necessary, to adapt it to the purposes of Congress, and especially of the House of Representatives.

596. Power to Punish Members.—The Houses may punish members for disorderly behavior, and by a vote of two-thirds may expel members. These necessary powers have been exercised not unfrequently. In 1842 the House of Representatives reprimanded J. R. Giddings, of Ohio, for introducing some resolutions in relation to slavery; while the Senate in 1797 expelled William Blount, of Tennessee, for violating the neutrality laws, and in 1863 Mr. Bright, of Indiana, for expressing sympathy with the Southern secessionists. From the decisions of the Houses in such cases there is no appeal.

597. Journals and Voting.—The Houses are required to keep a full history of their proceedings in records called journals, and to publish the same except such parts as in their judgment require secrecy. But as the House of Representatives always sits with open doors, the provision in respect to secrecy has no practical effect in that body. It is also null in the Senate except in executive sessions. These are secret sessions held for the transaction of special business sent to the Senate by the President, as the consideration of treaties and nominations. The yeas and nays must be called, and must be entered on the journal, when such demand is made by one-fifth of the members present. The object of these rules is to secure full publicity in regard to what is done in Congress. On the call of the roll, which is the only

form of voting known in the Senate, members are entered as voting yea or nay, as absent or not voting. In the House votes are taken in three other ways: by the *viva voce* method, the members answering aye or no when the two sides of the question are put; by the members standing until the presiding officer counts them; by the members passing between two men called tellers, who count them and report the numbers of those voting on the one side and on the other, to the Chair.

598. Mode of Legislating.—A bill is a written or printed paper that its author proposes shall be enacted into a law. Every bill that becomes a law of the United States must first pass both Houses of Congress by majority votes of quorums of their members. Still more, this must be done according to the manner prescribed by the rules, which on this subject are very minute. For example, no bill or joint resolution can pass either house until it has been read three times, and once at least in full in the open house. The presiding officers of the two Houses certify the passage of bills by their signatures. When a bill has thus passed Congress it is sent to the President for his action, who may do any one of three things with it.

599. Action of the President.—1. The President may approve the bill, in which case he signs it and it becomes a law.

2. He may disapprove the bill, in which case he sends it back to the house that first passed it, or in which it originated, with his objections stated in a written message. In such case he is said to veto it. This house now enters the message in full on its journal and proceeds to reconsider the bill. If two-thirds of the members, on reconsideration, vote to pass the bill, it is sent to the other house, which also enters the message

on its journal and proceeds to reconsider. If two-thirds of this house also vote for the bill, it becomes a law notwithstanding the President's objections. The bill is now said to pass over the President's veto. In voting on vetoed bills the Houses must vote by yeas and nays, and the names of those voting are entered on the journal. If the house to which the bill is returned fails to give it a two-thirds vote, the matter goes no farther; if the second one fails to give it such vote, the failure is also fatal. In either case the President's veto is said to be sustained.

3. The President may keep the bill in his possession, refusing either to approve or disapprove it. In this case, it also becomes a law, when ten days, counting from the time that the bill was sent to him, have expired, not including Sundays. However, to this rule there is one important exception. If ten days do not intervene between the time that the President receives the bill and the adjournment of Congress, not counting Sundays, it does not become a law. Accordingly the failure of the President to sign or to return a bill passed within ten days of the adjournment defeats it as effectually as a veto that is sustained by Congress could defeat it. The President sometimes takes this last course, in which case he is said to "pocket" a bill or to give it a "pocket" veto.

600. Orders, Resolutions, and Vetoos. — Every order, resolution, or veto to which the concurrence of both Houses of Congress is necessary, save on questions of adjournment, must be sent to the President for his approval. This rule prevents Congress enacting measures to which the President may be opposed by calling them orders, resolutions, or votes and not bills. Still the resolutions of a single house, or joint resolutions that merely declare opinions and do not enact legislation, are not subject to this rule. Nor is it necessary for the Pres-

ident to approve resolutions proposing amendments to the Constitution of the United States.

601. The Committee System.—To a great extent legislation is carried on in both Houses by means of committees. These are of two kinds. Standing committees are appointed on certain subjects, as commerce, the post-office, and foreign affairs, for a Congress. Special committees are appointed for special purposes. The House of Representatives has more than fifty standing committees; the Senate not quite so many. All House committees are appointed by the Speaker. Senate committees are elected by the Senators on caucus nominations. The standing committees of the House consist of from three to seventeen members; of the Senate from two to thirteen. The committees draw up bills, resolutions, and reports, bringing them forward in their respective houses. To them also bills and resolutions introduced by single members are almost always referred for investigation and report before they are acted upon in the house.

602. Adjournments.—The common mode of adjournment is for the two Houses to pass a joint resolution to that effect, fixing the time. The President may, in case of a disagreement between the Houses respecting the time of adjournment, adjourn them to such time as he thinks proper; but no President has ever had occasion to do so. Neither House, during the session of Congress, can, without the consent of the other, adjourn for more than three days, or to any other place than the one in which Congress shall be sitting at the time. It is therefore practically impossible for the two Houses to sit in different places, as one in Washington and the other in Baltimore. As is elsewhere explained, the Senate may sit alone to transact executive business, if it has been convened for that purpose.

CHAPTER XXV.

THE IMPEACHMENT OF CIVIL OFFICERS.

The American Government. Sections 302-311; 484.

603. *Impeachment Defined.*—In the legal sense, an impeachment is a solemn declaration by the impeaching body that the person impeached is guilty of some serious misconduct that affects the public weal. In the United States, the President, Vice-President, and all other civil officers are subject to impeachment for treason, bribery, or other high crimes and misdemeanors. In England, military officers and private persons may be impeached as well as civil officers. The other crimes and misdemeanors mentioned in the Constitution are not necessarily defined or prohibited by the general laws. In fact, few of them are so treated. Impeachment is rather a mode of punishing offenses that are unusual, and that, by their very nature, cannot be dealt with in the general laws. Thus Judge Pickering was impeached in 1803 for drunkenness and profanity on the bench, and Judge Chase the next year for inserting criticisms upon President Jefferson's administration in his charge to a grand jury, while President Johnson was impeached in 1867, among other things, for speaking disparagingly of Congress. But none of these acts were prohibited by the laws. Senators and Representatives are exempt from impeachment.

604. *The Power of the House.*—The House of Representatives has the sole power of impeachment, as

the House of Commons has it in England. The following are the principal steps to be taken in such case. The House adopts a resolution declaring that Mr. —— be impeached. Next it sends a committee to the Senate to inform that body of what it has done, and that it will in due time exhibit articles of impeachment against him and make good the same. The committee also demands that the Senate shall take the necessary steps to bring the accused to trial. Then the House adopts formal articles of impeachment, defining the crimes and misdemeanors charged, and appoints a committee of five managers to prosecute the case in its name, and in the name of the good people of the United States. These articles of impeachment are similar to the counts of an indictment found by a grand jury in a court of law.

605. The Power of the Senate.—The action of the House of Representatives settles nothing as to the guilt or innocence of the person accused. The Constitution places the power to try impeachments exclusively in the Senate, as in England it is placed exclusively in the House of Lords. So when the House has taken the first step described in the last paragraph, the Senate takes the action that is demanded. It fixes the time of trial, gives the accused an opportunity to file a formal answer to the charges that have been made against him, and cites him to appear and make final answer at the time that has been fixed upon for the trial. The Senators sit as a court, and when acting in such a capacity they must take a special oath or affirmation. When the President is tried, the Chief Justice presides. No person shall be convicted unless two-thirds of the Senators present vote that he is guilty of one or more of the offenses charged. As the Vice-President would have a personal interest in the issue should the President be put on trial, owing to

the fact that the Vice-President succeeds to the presidency in case of the removal of the President, it would manifestly be a gross impropriety for him to preside in such case. He would be in a position to influence the verdict.

606. The Trial.—The Senate sits as a court, as before explained. The ordinary presiding officer occupies the chair on the trial, save in the one excepted case of the President. At first the House of Representatives attends as a body, but afterwards only the five managers are expected to attend. The accused may attend in person and speak for himself; he may attend in person, but entrust the management of his cause to his counsel; he may absent himself altogether, and either leave his cause to his counsel or make no defense whatever. Witnesses may be brought forward to establish facts, and all other kinds of legal evidence may be introduced. The managers and the counsel of the accused carry on the case according to the methods established in legal tribunals. When the case and the defense have been presented, the Senators discuss the subject in its various bearings, and then vote yea or nay upon the various articles that have been preferred. The trial is conducted with open doors, but the special deliberations of the Senate are carried on behind closed doors. A copy of the judgment, duly certified, is deposited in the office of the Secretary of State.

607. Punishment in Case of Conviction.—The Constitution declares that judgment in cases of conviction shall not go further than to work the removal of the officer convicted from his office, and to render him disqualified to hold and enjoy any office of honor, trust, or profit under the United States. It declares also that all persons who are impeached shall be removed from office

on conviction by the Senate. Here the subject is left. It is therefore for the Senate to say whether, in a case of conviction, the officer convicted shall be declared disqualified to hold office or not, in the future, and this is as far as the discretion of the Senate extends. Whatever the punishment may be, it is final and perpetual. The President is expressly denied the power to grant reprieves and pardons in impeachment cases. This is because such power, once lodged in his hands, would be peculiarly liable to abuse. But this is not all. If the crimes or misdemeanors of which an officer has been convicted are contrary to the general laws, he is still liable to be indicted, tried, judged, and punished by a court of law just as though he had not been impeached.

608. Impeachment Cases.—There have been but seven such cases in the whole history of the country. William Blount, Senator from Tennessee, 1797-98; John Pickering, District Judge for New Hampshire, 1803-1804; Samuel Chase, Justice of the Supreme Court, 1804-1805; James Peck, District Judge for Missouri, 1829-1830; W. W. Humphreys, District Judge for Tennessee, 1862; Andrew Johnson, President of the United States, 1867; W. W. Belknap, Secretary of War, 1876. Only Pickering and Humphreys were found guilty.

CHAPTER XXVI.

THE GENERAL POWERS OF CONGRESS.

The American Government. Sections 341-418.

In a free country the legislative branch of the government tends to become the most powerful of all the branches, overtopping both the executive and the judiciary. This is true in the United States. The powers of Congress are divisible into general and special powers, of which the first are by far the more important. The general powers are described in section 8, Article 1, of the Constitution, and occupy eighteen clauses. They will now be described.

609. Taxation.—Revenue is the life-blood of government. The first Government of the United States failed miserably, and largely because it could not command money sufficient for its purposes. When the present Government was constituted, good care was taken to guard this point. It was clothed with the most ample revenue powers. Congress may, without limit, lay and collect taxes to pay the debts and provide for the common defense and general welfare of the United States. These taxes are of two kinds, direct and indirect. Direct taxes are taxes on land and incomes and poll or capita-
tion taxes. Here the taxes are paid by the person owning the land or enjoying the income. Taxes on imported goods, called custom and duties and sometimes imposts, and taxes on liquors paid at the distillery or brewery, and on cigars and tobacco paid at the factory, are indirect taxes. Here the tax is added to the price of the article

by the person who pays it in the first instance, and it is ultimately paid by the consumer. Taxes of the second class are collectively known as internal revenue to distinguish them from customs-duties, which might be called external revenue. The term excise, used in the Constitution, but not in the laws, applies to this great group of taxes. They are collected through the Internal Revenue Office in the Treasury Department. Direct taxes have been levied only five times by the National Government. Indirect taxes have always been its great resource.

610. Special Rules.—In levying taxes Congress must conform to several rules that the Constitution prescribes. All taxes must be uniform throughout the United States. In legislating on commerce and revenue, Congress must take care not to show a preference for the ports of one State over those of another State. Direct taxes, like Representatives, must be apportioned among the States according to population. And finally, no tax or duty can be laid on any article of commerce exported from any State.

611. Borrowing Money—Bonds.—Public expenditures cannot always be met at the time by the public revenues. It becomes necessary in emergencies for governments to borrow money and contract debts. Congress borrows money on the credit of the United States. The principal way in which it exercises this power is to sell bonds. These bonds are the promises or notes of the Government, agreeing to pay specified amounts at specified times at specified rates of interest. During the Civil War more than five billion dollars of such bonds were sold, many of them to replace others that were cancelled. At the present time a large amount of Government bonds is outstanding.

612. Treasury Notes.—Congress also authorizes the issue of Treasury notes, called by the Constitution “bills of credit.” They are paid out by the Treasury to meet the expenses of the Government, and while they continue to circulate they constitute a loan that the people who hold them have made to the Government. Such notes were occasionally issued before the Civil War, and since that event they have played a very important part in the history of the National finances. In 1862 Congress authorized the issuance of Treasury notes that should be a legal tender in the payment of all debts, public and private, except duties on imports and interest on the National debt. These notes were not payable on demand, or at any particular time; they did not bear interest, and were not for the time redeemable in gold or silver, which, since 1789, had been the only legal-tender currency of the country. In 1879 the Treasury, in obedience to a law enacted several years before, began to redeem these notes in gold on presentation, and it has continued to do so until the present time. Still they have never been retired from circulation, or been cancelled on redemption, but have been paid out by the Treasury the same as other money belonging to the government. They are popularly called “greenbacks.”

613. Commerce.—Congress has power to regulate commerce with foreign nations, among the States, and with the Indian tribes. The exclusive control of commerce by the States, under the Confederation, was a principal cause of the hopeless weakness of that government. (See Chap. XX.) It may indeed be said that the commercial necessities of the country, more than anything else, compelled the formation of the new Government in 1789. Tariff laws, or laws imposing duties on imported goods, are regulations of commerce, and so are laws

imposing tonnage duties, or duties on the carrying capacity of ships, and laws prescribing the manner in which the foreign trade of the country shall be carried on. The construction or improvement of harbors, the building of lighthouses, surveys of the coasts of the country, and laws in relation to emigration all come under the same head. In order the better to regulate commerce among the States, Congress created the Interstate Commerce Commission, and it has passed a law in relation to the subject of trusts. The Constitution lays down the rule relating to Interstate commerce that vessels bound to or from one State to another shall not be required to enter or clear, or to pay duties.

614. Naturalization.—All persons born or naturalized in the United States and subject to their jurisdiction are citizens of the United States, and of the State in which they reside. Citizenship, or the state of being a citizen, is membership in the state, or body politic. Congress has provided that a foreigner, unless he belongs to the Mongolian race, may become a citizen, or be naturalized, as the saying is, on his compliance with certain terms and conditions. A residence of five years is necessary. Two years before his admission to citizenship the alien must declare on oath, before a court of record, his intention to become a citizen. On the expiration of the two years, he must prove to this court, or some other one having the same jurisdiction, that he has resided in the United States at least five years, and in the State or Territory at least one year; that he is a man of good moral character; that he is attached to the Constitution, and that he is well disposed to the United States. He must also swear to support the Constitution, must renounce all allegiance to any foreign state or prince,

and lay aside any title of nobility that he has held. He then receives a certificate stating that he is a citizen of the United States, and he becomes entitled to all the rights of a native-born citizen, except that he can never be President or Vice-President. His wife and children under twenty-one years of age also become citizens. All laws in relation to naturalization must be uniform. The States may confer political rights upon foreigners, as the right to own land and vote within the State, but they cannot confer citizenship.

615. Bankruptcies.—A person who is insolvent, or unable to pay his debts, is termed a bankrupt; and a law that divides the property of such person among his creditors and discharges him from legal obligation to make further payment, is termed a bankrupt law. Congress has power to pass uniform laws in relation to this subject. It has passed three such laws, one in 1800, one in 1840, and one in 1867. The last one was repealed in 1878. The States sometimes pass insolvent laws; having somewhat the same effect as bankrupt laws, but they are always subject to the National bankrupt law when there is one in force.

616. Coinage of the United States.—Congress coins money and regulates its value and the value of foreign coin circulating in the country. This power, taken in connection with other powers, enables Congress, if it chooses, to regulate the whole subject of money. At the present time the National mints are open to all persons for the coinage of gold. Depositors of standard gold are charged merely the value of the copper used in alloying the coin. The gold coins of the Government are the double-eagle, eagle, half-eagle, quarter-eagle, three-dollar piece, and one-dollar piece. These coins are legal tender in payment of all debts, public and



private.¹ Silver coins of small denomination only are now struck at the mints, and exclusively on account of the Government. These coins are the half-dollar, quarter-dollar, and dime, which are legal tender for debts not exceeding five dollars. The Government also strikes coins of base metal for small change; the five-cent piece and the one-cent piece, which are legal tender in sums not exceeding twenty-five cents. At different times still other coins have been struck, and some of them are still in circulation. Mention may be made of the dollar, the trade dollar, the two-cent piece, and the half-dime.

617. The Silver Dollar.—The silver dollar was the original money-unit of the United States. It was coined, though never in very large quantities, from the founding of the mint in 1792 until 1873, when it was dropped from the list of legal coins. This fact is expressed in the phrase, "silver was demonetized." The minor silver coins, however, were produced as before. Congress also authorized for several years a new coin, called the trade dollar. In 1878 Congress restored the old silver dollar to the list of authorized coins, and instructed the Secretary of the Treasury to purchase silver bullion for the Government and to coin it into dollars, not less than \$2,000,000, nor more than \$4,000,000, a month. These dollars were also made a legal tender. In 1890 Congress passed a further act instructing the Secretary to purchase 4,500,000 ounces of silver a month on Government account, as before, and to coin it after July, 1891, at his discretion. In 1893 Congress repealed the purchase clause of the previous act, and the further

¹ Legal-tender money is money with which a debtor can legally pay a debt; that is, if he offers or tenders this money to his creditor, and his creditor refuses to take it, he is not obliged to make other payment.

coinage of silver dollars was discontinued. At no time since 1873 have private persons been permitted to deposit silver at the mints for coinage.

618. Fineness and Weight of Coins and Ratio of Metals.—The gold and silver coins of the United States are nine-tenths fine; that is, nine parts of the coins are pure metal and one part is alloy. This is called standard metal. Since 1834, the gold dollar has contained 23.2 grs. of pure metal and 25.8 grs. of standard metal. The silver dollar has contained $371\frac{1}{4}$ grs. of pure metal, and, since 1837, $412\frac{1}{2}$ grs. of standard metal. It is common to call the last named coin the $412\frac{1}{2}$ gr. dollar. The amount of pure silver in a dollar's worth of the minor coins is 345.6 grs., and of standard silver 384 grs. The ratio of the gold dollar to the silver dollar is popularly said to be 1 to 16. Exactly it is 1 to 15.988. This has been the legal ratio since 1834. When it was established Congress assumed that 16 grs. of silver (nearly so) were equal to one grain of gold in value.

619. Gold and Silver Certificates.—To dispense with the necessity of handling so much metallic money, Congress has provided for the issuance of gold and silver certificates. One of these certificates is simply a statement that in consequence of the deposit of — dollars of gold or silver, as the case may be, in the Treasury, the Government will pay the holder of the certificate the corresponding amount. These certificates pass as money, but the smaller silver certificates are not a legal tender.

620. Counterfeiting.—Congress provides by law for punishing counterfeiting the coin and securities of the United States, its notes, bonds, etc. The term counterfeiting includes (1) manufacturing or forging coins or paper securities; (2) putting forged coins or securities in circulation; and (3) having them in possession for

that purpose. A person guilty of any one of these three offenses is punishable on conviction by a fine of not more than \$5,000 and by imprisonment at hard labor for not more than ten years. Counterfeiting the notes of the National banks, letters patent, money orders, postal cards, stamped envelopes, etc., is punishable by severe penalties; as is also counterfeiting the coins and securities of foreign governments.

621. The Independent Treasury.—Previous to 1846, save for a short period, the Government had no treasury of its own, but kept its money in the banks and checked it out as it had occasion. In the year named a treasury was established in the Treasury Building at Washington, provided with rooms, vaults, and safes, and a Treasurer was appointed. Subtreasuries were also established in the principal cities of the country and put in charge of officers known as Subtreasurers. Subtreasuries are now to be found in New York, Boston, Charleston, Philadelphia, Baltimore, Cincinnati, Chicago, St. Louis, and San Francisco.

622. The National Banks.—In 1863 and 1864 Congress provided for the creation of the present system of National banks, which have played so important a part in the business of the country. These banks are directly managed by boards of directors chosen by their stockholders, but they are supervised by the Comptroller of the Treasury, whose office is established in the Treasury Department. Their notes or bills, which are fully secured by National bonds belonging to the banks that are deposited in the office of the Comptroller at Washington, constitute a National currency.

623. Weights and Measures.—Congress has power to fix the standard of weights and measures, but has never fully exercised the power. In general the standards in

use are the same as those in use in England. The English brass Troy pound is the legal Troy pound at the mints, while the Imperial avoirdupois pound and the wine gallon rest upon usage. Congress has authorized the use of the metric system of weights and measures, but has not made it compulsory.

624. The Postal Service.—Congress has created the vast postal system of the country, the cost of which in the year 1894 was more than \$84,000,000. The mails are carried by contractors. Postmasters paid \$1,000 or more a year are appointed by the President for a term of four years; all others by the Postmaster-General at his pleasure. A great majority of the postmasters do not receive regular salaries, but a percentage on the income of their offices. Towns having gross post-office receipts of \$10,000 or more have free mail delivery by letter-carriers. In towns of 4,000 inhabitants or more letters bearing a special 10-cent stamp are delivered by a special carrier immediately on their receipt. Letters may also be registered to secure their greater safety in delivery on payment of a 10-cent fee. Money orders are also sold by certain post-offices called money order offices, which to a limited extent take the place of money in the transaction of business.

625. Rates of Postage.—There are four classes of domestic mail matter bearing different rates of postage. All postage must be pre-paid in the form of stamps.

1. Letters, postal cards, and other written matter, and all packages that are closed to inspection. Save on postal cards and drop letters mailed at non-delivery offices, the rate is two cents an ounce or fraction of an ounce.

2. Periodicals, magazines, etc. The rate on matter of this class when sent from a registered publishing

office, or a news agency, is one cent a pound; when sent otherwise, it is one cent for every four ounces.

3. Books, authors' copy accompanying proof-sheets, etc., are charged one cent for two ounces or fraction of the same.

4. Merchandise limited to 4-pound packages is charged one cent an ounce.

626. Copyrights and Patent Rights.—For promoting science and the arts, Congress provides that authors may copyright their works and inventors patent their inventions for limited times. The author of a book, chart, engraving, etc., by means of a copyright, enjoys the sole liberty of printing, publishing, and selling the same for twenty-eight years, and on the expiration of this time he if living, or his wife or his children if he be dead, may have the right continued fourteen years longer. An inventor also, by means of a patent right, enjoys the exclusive right to manufacture and sell his invention for seventeen years, and on the expiration of that period the Commissioner of Patents may extend the right, if he thinks the invention sufficiently meritorious. Copyrights are obtained from the head of the Library of Congress, patent rights from the head of the Patent Office, both at Washington. The cost of a copyright is one dollar and two copies of the book or other work. The cost of a patent right is \$35.00. Every article that is copyrighted or patent-righted must be appropriately marked.

627. Piracies and Felonies.—Congress defines the punishment of piracies and felonies on the high seas, and offenses against the Law of Nations. In a general sense piracy is robbery or forcible depredation of property on the seas, but Congress has by law declared some other acts, as engaging in the slave trade, to be piracy.

Felonies, strictly speaking, are crimes punishable by death. The Law of Nations is a body of rules and regulations that civilized nations observe in their intercourse one with another. The high seas are the main sea or ocean below low-water mark. The line limiting it is arbitrarily fixed at one marine league from the shore.

628. Powers of Congress in Relation to War.—Congress has the power to declare war, which in monarchical countries is lodged in the Crown. It raises and supports armies. It provides a navy. It makes rules for the government of the army and navy. It provides for calling out the militia of the States to execute the laws of the Union, to suppress insurrection, and repel invasion. It provides for organizing, arming, and disciplining the militia, and for the government of such of them as may be called into the service of the United States; but the States have authority to appoint the officers and to train the militia according to the discipline that Congress has prescribed. These powers are very far-reaching. Acting under the laws of Congress, President Lincoln, in the course of the Civil War, called into the service of the Union fully 3,000,000 of men. A navy counting hundreds of vessels was also created. At present the army consists of 25,000 officers and enlisted men. The navy consists of 38 vessels in commission for sea service. At present the highest title in the army is Lieutenant-General, the highest in the navy Rear-Admiral. The soldiers of the United States are divided into the regular troops and the militia. The former are in constant service; the latter are the citizen soldiery enrolled and organized for discipline and called into service only in emergencies. In the fullest sense of the word, the militia are the able-bodied male citizens of the States

between the ages of eighteen and forty-five. The President cannot call them into active service for a longer period than nine months in any one year. In service, they are paid the same as the regular troops.

629. The Federal District.—Previous to 1789 the United States had no fixed seat of government, and Congress sat at several different places. The resulting evils led the Convention of 1787 to authorize Congress to exercise an exclusive legislation over a district, not more than ten miles square, that particular States might cede and Congress might accept for a capital. The cession of Maryland and the acceptance of Congress made the District of Columbia the Federal District, and an act of Congress made Washington the Capital of the Union. The various branches of the Government were established there in 1800. The District is now governed by a board of three commissioners, two appointed by the President and Senate, and one an engineer of the army who is detailed by the President for that purpose. Congress pays one-half the cost of government, the people of the District the other half. Congress also has jurisdiction over places within the States that have been purchased for forts, arsenals, magazines, dock-yards, and other needful public buildings.

630. Necessary Laws.—It must be borne in mind that the government of the United States is a government of delegated powers. Still these powers are not all expressly delegated. There are powers delegated by implication, as well as powers delegated in words. Congress is expressly authorized to make all laws that are necessary for carrying into effect the powers that have been described above, and all other powers that the Constitution vests in the Government of the United States, or any department or officer of that Government.

Congress improves harbors, erects lighthouses, builds post-offices and custom-houses, and does a thousand other things that are not particularly named in the Constitution, because in its judgment they are necessary to the execution of powers that are particularly named. The power to establish post-roads and post-offices, for example, or to create courts, involves the power to build buildings suitable for these purposes. This is known as the doctrine of implied powers.

Looking over the general powers of legislation that are vested in Congress, described above, we see how necessary they are to a strong and efficient government. They are the master power, the driving force, of our whole National system. If these eighteen clauses were cut out of the Constitution, that system would be but a steamship without engine or boilers.

CHAPTER XXVII.

ELECTION OF THE PRESIDENT AND THE VICE-PRESIDENT.

The American Government. Sections 446-474.

It is the business of the Executive Department of the Government to enforce the laws that the Legislative Department makes. Government in a free country begins with law-making, but it ends with law-enforcing. We are now to examine in two or three chapters the National Executive.

631. The Presidency.—Congress consists of two Houses, and each house consists of many members, but the Executive office is single, entrusted to one person. The Constitution vests the executive power in the President of the United States. This difference is due to the nature of the things to be done. Legislation demands varied knowledge, comparison of views, and deliberation. Administration calls for vigor, unity of purpose, and singleness of responsibility. The burden of National administration is imposed upon the shoulders of one man.

632. Presidential Electors.—The President and the Vice-President are elected by Electors appointed for that purpose. Each State appoints, in such manner as its Legislature may determine, a number of Electors equal to the whole number of its Senators and Representatives in Congress. Early in the history of the Government, different modes of appointing Electors were followed. Since the Civil War, with a single exception, there has been only one. All the States now proceed in the same way. This one is to submit the question to

the people of the States at a popular election. With this point clearly in mind, we shall go forward to describe the whole series of steps that are taken in electing the President and the Vice-President of the United States.

633. Presidential Nominations.—Government in the United States, as in other free countries, is carried on by means of political parties. These party organizations desire to elect the President and control the Government. They hold National conventions, generally in the period June–August of the year before a President is to take his seat, to nominate candidates for President and Vice-President, and to adopt a statement of party doctrines or principles called a platform. These conventions are constituted under fixed rules, and are convoked by National committees. The Republican and Democratic conventions consist each of four delegates-at-large from every State, and twice as many district delegates as the State has members in the House of Representatives. As a rule the delegates-at-large are appointed by State party conventions, and the district delegates by district conventions. In the Republican convention a majority vote suffices to nominate candidates; in the Democratic convention the rule is two-thirds.

634. Electoral Tickets.—The next step is to make up the State Electoral tickets. First, State conventions name two Electors for the State called Electors-at-large and Senatorial Electors. The conventions that name the delegates-at-large to the National conventions may, and often do, name also the candidates for Electors-at-large. Next district Electors are put in nomination, one from a Congressional district, generally by district conventions. The names of the candidates put in nomination by a given party brought together constitute the State

party ticket. No Senator or Representative, or other person holding an office of trust or profit under the United States, can be appointed an Elector.

The two steps that have been described belong wholly to the field of voluntary political action. The Constitution and the laws have nothing whatever to do with them.

635. Choice of Electors.—Congress fixes the day upon which the Electors are chosen. It is the same in all States, Tuesday following the first Monday of November, the day on which members of the House of Representatives are also elected. Persons who may vote for State officers and for Representatives may also vote for Electors. State officers conduct the election, and the Governor gives the successful candidates their certificates of election. The appointment of the Electors is popularly called the Presidential election. It is so in fact but not in law. In point of law the people do not elect the President and the Vice President, but only Electors who elect them. In point of fact, as we shall soon see, they do both. All that the National authority has done up to this point is to fix the time of the appointment of Electors. Hereafter that authority directs every step in the process.

636. Meeting of the Electors.—On the second Monday of January, following their appointment, the Electors meet at their respective State capitals to vote for President and Vice-President. They name in their ballots the person for whom they vote as President, and in distinct ballots the person for whom they vote as Vice-President. No Elector can vote for persons for both offices from the same State that he himself resides in: one at least of the two candidates must belong to another State. The voting over, the Electors make distinct lists

of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they sign, certify, and seal. Three copies of these lists are made. Two of them they send to Washington addressed to the President of the Senate, one by mail and one by special messenger. The other copy they deliver to the Judge of the United States District Court for the district in which they meet and vote. Congress by law names the day on which the Electors give their votes, and it must be uniform throughout the Union. The casting of their ballots by the Electors is the formal but not the real Presidential election.

637. Counting the Electoral Votes.—On the second Wednesday of February, the day named by Congress, the Senate and the House of Representatives meet in the hall of the House to witness the counting of the Electoral votes. The President of the Senate presides, the Speaker of the House sitting by his side. He opens the certificates of votes and hands them to tellers appointed by the Houses, who read and count the votes. The President declares the result. The person having the greatest number of votes cast for President, if a majority of all, is declared President; the person having the greatest number of votes for Vice-President, if a majority of all, is declared Vice-President.

638. Election of the President by the House.—If no person has received for President the votes of a majority of all the Electors appointed, the House of Representatives must immediately choose the President from the three candidates who have had the most votes for that office. This election is by ballot. The votes are taken by States, the Representatives from a State having one vote. Nevada balances New York, Delaware Pennsylvania. A quorum to conduct the election consists of a member

or members from two-thirds of the States, and a majority of all the States is necessary to a choice. Twice has the House of Representatives chosen the President, Thomas Jefferson in 1801 and John Quincy Adams in 1825. Both of these elections were attended by great excitement.

If the House fails to choose a President, when the choice devolves upon that body, by March 4 following, then the Vice-President acts as in the case of death, removal, or resignation of the President.

639. Election of the Vice-President by the Senate.—If no person voted for as Vice-President have a majority of all the Electors appointed, then the Senate shall choose to that office one of the two candidates standing highest on the list of candidates for the Vice-Presidency. A quorum for this purpose consists of two-thirds of the whole number of Senators, and a majority of all the Senators is necessary to a choice.

640. Miscellaneous Provisions.—The Electors appointed from a State are often called a college; the Electors from all the States the Electoral colleges. Most of the States have empowered their colleges to fill vacancies that may occur in their number. In 1887 Congress passed an act to provide for and regulate the counting of votes for President and Vice-President, and the decision of questions arising thereon. This law gives the States jurisdiction over disputed appointments of Electors. It also prescribes the method of proceeding when plural returns are made from any State and in cases where objections are made to a single return.¹

¹ The method of electing President and Vice-President outlined above, is that prescribed by the Constitution as originally framed, together with the Twelfth Amendment. For the change introduced by this Amendment, see the Amendment in connection with Article II, section 1, clause 3, of the Constitution at first framed.

641. The Electoral System.—The framers of the Constitution devised the method of election by means of Electoral colleges. They assumed that the Electors would be picked bodies of men, who would vote for the best men for President and Vice-President, regardless of popular feeling and private interest. It may be said that in the case of Washington the plan worked as they expected, but since his second administration it has never done so. No other part of the Constitution has proved so disappointing as the method of electing the President. In 1804 the Constitution was amended to correct evils that had declared themselves in the election of 1800; but the Twelfth Amendment, while accomplishing its immediate purpose, did not prevent the whole plan becoming a miserable failure. The men of 1787 did not foresee the part that politics and political parties would play in American affairs. As we have seen, the President and Vice-President are really named by one of the two great political conventions. The Electors are not chosen to exercise their own best judgment, but to cast their ballots for the party candidates. As the system works, they have no free will whatever, and practically the Electoral colleges are pieces of useless political machinery.

CHAPTER XXVIII.

THE PRESIDENT'S QUALIFICATIONS, TERM, AND REMOVAL.

The American Government. Sections 450; 476-482.

642. Qualifications.—The President must be a native-born citizen of the United States. He must have attained the age of thirty-five years, and have been a resident of the country fourteen years at the time of his election. The Vice-President must have the same qualifications as the President.

643. Length of Term.—The term of office of both the President and the Vice-President is four years, and the two officers are eligible to successive re-elections. It has often been contended that it would be better to give the President a term of six or seven years, and then make him ineligible to a second election.

644. The President's Salary.—This is fixed by Congress. From 1789 to 1873 it was \$25,000 a year; since 1873 it has been \$50,000. Congress also provides the President the furnished house known as the White House for an official residence. The President's salary can neither be increased nor diminished after he has entered on the duties of his office. The first of these two prohibitions makes it impossible for him to enter into bargains with members of Congress, whereby they shall receive something that they deem desirable while his compensation is increased. The second prohibition makes it impossible for Congress to reduce his compensation, and so to make the President its dependent or creature. All changes in the salary must therefore be prospective. Still further, the President cannot, during his continu-

ance in office, receive any other public emolument than his salary, such as a gift or present from the United States or from any State. The salary of the Vice-President is \$8,000.

645. The President's Oath. — Before entering on the duties of his office, the President must take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States." This oath is in general a definition of the President's duties. He is exclusively an executive officer. The occasion on which the President takes this oath is popularly called his inauguration, and is marked by a good deal of parade and ceremony. The custom now is to conduct the inauguration on the East Front of the Capitol at Washington. The Chief Justice administers the oath, and the President delivers an address called his inaugural address. With the exception of the oath, none of these ceremonies are required by the Constitution or the laws, and they might be dispensed with. It is also customary for the Vice-President to take his oath in the Senate Chamber and to deliver a short speech to the Senators.

646. The Vice-President. — The only reason for creating the office of Vice-President was to have a proper officer at hand who could succeed to the Presidency in the case of a vacancy. The Vice-President becomes President when the President is removed, dies, resigns, or is unable to discharge the powers and duties of his office. He can be removed only by conviction on impeachment. If he resigns he must file his resignation in writing in the office of the Secretary of State. Just what inability to discharge the duties of his office is, has never

been settled. President Garfield performed but one executive act from July 2, 1891, to his death, which occurred September 19 following. It was much discussed at the time whether a case of inability had arisen, but with no practical results. Four Vice-Presidents have become Presidents by succeeding to the office. When the Vice-President becomes President, he succeeds to all the powers, dignities, responsibilities, and duties of the office for the unexpired portion of the term. The Constitution provides that the Vice-President shall be the President of the Senate, but this is merely for the purpose of giving dignity and consequence to an officer who, for the most part, would otherwise have nothing to do.

647. The Presidential Succession.—Who shall succeed to the Chief Executive office in case both the President and Vice-President die, resign, are removed, or are unable to perform the duties of the office? The Constitution says that Congress shall by law provide for such a case, declaring what officer shall act as President until the disability be removed or a President be elected. The present law, which dates from 1886, declares that first the Secretary of State shall succeed, then the Secretary of the Treasury in case of his death, removal, etc.; afterwards the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, and the Secretary of the Interior in this order. No one of these officers, however, can succeed unless he has been confirmed by the Senate and has all the qualifications that are required of the President. If one of them succeeds he fills the unexpired portion of the term the same as the Vice-President. However, a case of the removal, etc., of both the President and the Vice-President has never yet occurred.

CHAPTER XXIX.

THE PRESIDENT'S POWERS AND DUTIES.

The American Government. Sections 483-511.

As is remarked in another place, the oath that the President takes on his inauguration is a general definition of his duties. Still the Constitution declares further that he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States. More than this, it describes his duties with more or less detail.

648. Army and Navy.—The President is commander-in-chief of the army and navy of the United States, and of the Militia of the States also when they are called into the National service. The effective control of the National forces requires unity of judgment, decision, and responsibility. It is obvious that a congress or a cabinet would be a very poor body to place at the head of an army. The power entrusted to the President is a great one, but he cannot well abuse it so long as Congress alone can declare war, raise and support the army, provide the navy, make rules for the government of the military and naval forces, and provide by law under what conditions the President may call out the militia. The President delegates to chosen officers his authority to command the army and the navy in actual service,

649. The Pardoning Power.—Power to try, convict, and pass judgment upon persons charged with crimes and offenses under the laws of the United States is lodged in the courts alone. But courts sometimes commit mis-

takes, and sometimes special circumstances arise that make it proper to exercise clemency towards persons who are undergoing punishment for crime. So the President, like the executive magistrates of all civilized states, is clothed with power to act in such cases. The President has power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment. A reprieve is a temporary suspension of a sentence. A pardon is a full release from it. The President cannot interfere until a court has pronounced judgment.

650. Treaties.—A treaty is a solemn engagement or contract entered into between two or more sovereign or independent states. They relate to such subjects as commerce and trade, the rights of citizens of one country in the other, etc. Treaties also deal with the graver subjects of peace and war. The power to enter into a treaty properly belongs to the executive branch of government, as dispatch, secrecy, and unity of purpose are called for. As it might be dangerous in a republic to lodge the power exclusively in the Executive's hands, it is provided that the President, by and with the advice and consent of the Senate, shall have power to make treaties with foreign states.

651. Mode of Making a Treaty.—Commonly the steps that are taken are the following: First, the treaty is negotiated or agreed upon by the powers. The negotiation is conducted on the part of our Government by the Secretary of State, a minister residing at a foreign capital, or a minister or commissioner appointed for the purpose. The President, acting through the Department of State, directs the general course of the negotiation. Secondly, the treaty, when it has been negotiated, is wholly in the President's hands. If he disapproves

of it, he may throw it aside altogether. If he approves it, or is in doubt whether he should approve it or not, he submits it to the Senate for its advice. Thirdly, the treaty is now wholly in the Senate's hands, except that the President may at any time that he chooses withdraw it from the Senate's further consideration. The Senate may approve or disapprove the treaty as a whole, it may propose amendments, or it may refuse to act at all. If the Senate amends the treaty it is practically a new one, and both the President and the foreign power must assent to it in its new form. The fourth step is an exchange of ratifications. This is a formal act by which the powers concerned signify that all the steps required to make the treaty binding have been taken. Finally, the President publishes the treaty and by proclamation declares it to be a part of the law of the land. The Senate considers treaties in executive session, and its advice and consent in most cases is merely approval or disapproval of what the President has done. A two-thirds vote of the Senate is necessary for the ratification of a treaty.

652. Appointment of Officers. — The President nominates, and by and with the advice and consent of the Senate, appoints ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States that are provided for by law, unless the Constitution itself provides for them. Congress may, however, place the appointment of such inferior officers as it thinks proper in the President alone, in the heads of Departments, and in the courts. The President appoints his private secretary and clerks. The appointment of a somewhat larger number of officers is placed in the courts, while the appointment of a very great number is vested in the heads of the Executive

Departments. Thus, the appointment of all postmasters whose salary is less than \$1,000 is placed in the hands of the Postmaster-General. When all these exceptions have been made, a large number of appointments still remains to be made by the President and the Senate.

653. Mode of Appointment.—The first step to be taken in filling an office is for the President to make a nomination in writing to the Senate, specifying the office and naming the officer. The Senate refers the nomination to its proper committee, as of a judge to the Committee on the Judiciary, or of a foreign minister or consul to the Committee on Foreign Relations. The committee investigates the subject and reports the nomination back to the Senate, either with or without recommendation that the nomination be confirmed. The Senate then grants or withholds its confirmation, as it is called. The Senate acts in such a case, as in the case of treaties, in executive session. If the Senate refuses to confirm, the President makes a second nomination, and so on until the place is filled. The Senate sometimes refuses to confirm a nomination if the Senators from the State where the office is, or one of them, objects to it. This is especially the case when the Senator or Senators belong to the political party that for the time has a majority of the body. This custom, which is wholly without support of law, is known as the courtesy of the Senate.

654. Ambassadors and Other Public Ministers.—Public ministers are representatives that one state or nation sends to another to look after its interests. Ambassadors are the highest rank of ministers. The other grades are envoys extraordinary or ministers plenipotentiary, ministers-resident, commissioners, and *chargés d'affaires*. The United States now have ambassadors at the capitals of England, France, Germany, and Italy, and represent-

atives of inferior grade at many other capitals. The salaries paid these representatives, who are collectively called the diplomatic service, range from \$5,000 to \$17,500. The duties and rights of ministers are defined by the Law of Nations, called also International Law.

655. Receiving Ministers.—It is the duty of the President to receive ambassadors and other public ministers sent by foreign powers to our Government. This ceremony involves the recognition of the power from which the minister comes, and also his own recognition as a man acceptable to the United States. The President can refuse to receive a minister because he is personally objectionable, and can dismiss him for the same reason.

656. Consuls.—The duties of consuls are fixed by treaties and by the municipal law of the nation appointing them. In general it may be said that they look after the commercial interests of the country at large, and assist their countrymen in obtaining commercial rights and privileges. They also perform many other duties. They are business agents and do not rank as ministers. Sometimes, however, diplomatic duties are entrusted to them. A consul-general exercises supervision over the consuls of his country within the country to which he is sent, or within some designated portion of it. The President appoints about 30 consuls-general and about 300 consuls. The highest consular salary is \$6,000. Many consuls receive their compensation in the form of fees.

657. Military and Naval Officers.—Unless otherwise provided by law, military and naval officers are appointed in the same manner as civil officers. Still the President, as commander-in-chief, has exclusive control of the commands to which they are assigned. He assigns *officers to their places of duty, and removes them for what he deems sufficient reasons.* Since 1866 the law

has been that no officer in the military or naval service shall, in time of peace, be dismissed from service except upon, and in pursuance of, the sentence of a court-martial, or in commutation thereof.

658. Removal from Office.—The President has the power of removal as well as of appointment. When the Senate is in session a removal is made in the following way: The President sends to the Senate a nomination just as though the office were not already filled. If the Senate confirms this nomination, the President then commissions the officer and he enters upon the duties of his office. The former incumbent holds the office until the last of these steps has been taken. If the Senate refuses to confirm, the President must send in a second nomination or allow the incumbent to remain undisturbed. In the recess of the Senate a removal is made in a somewhat simpler way. The President now appoints directly, and at the same time gives the appointee his commission, who enters upon his office at once. When the Senate meets at its next session, the President must send to that body, for its action, the name of the appointee. If the Senate confirms the nomination, that is the end of the matter. If it refuses to confirm, the President must then make a second nomination. In either case the removal of the former incumbent is final and absolute.

659. Vacancies.—When a vacancy in any office occurs while the Senate is in session, the President makes a nomination, and matters proceed just as explained in the last paragraph. When the vacancy occurs in a recess of the Senate, the President appoints and commissions the officer, and the Senate acts on the nomination at its next session just as in the case of a removal made in the *recess*.

660. The Civil Service.—The persons who serve the Government in civil or non-military capacities are collectively called the civil service. They are divided into two classes called officers and employés. The two classes are not separated by any consistent rule or practice. Officers, who are much inferior in numbers to employés, are appointed and removed. Employés are employed and discharged, not appointed and removed. Laborers in the navy yards, arsenals, and the like are employés; so are many persons in continued service at custom-houses and in other offices as well as many clerks. In 1893 the civil service consisted of about 200,000 persons. Of these 69,000 were postmasters and 40,000 others served in the Post-office Department. Twenty-two thousand were workmen. The others were distributed among the other Departments of the Government.

661. Civil Service Reform.—Until a few years ago the custom prevailed for the President and others who are clothed with the appointing power to make appointments and removals of officers mainly for political reasons. The same practice prevailed also in respect to employés. In a change of the administration, and especially when it involved a change of party, great numbers of officers and employés would be removed or discharged to make room for others. A Democratic administration was expected to turn out the Republicans, and a Republican administration to turn out the Democrats. This was called the spoils system. Soon after the Civil War the civil service began to attract the attention of the country. Men saw that the spoils system was accompanied by great abuse and corruption. In 1882 an act was passed under which the service has been materially reformed. This act does not apply to any office where the joint action of the President and

Senate is required to make an appointment. It provides that in the Departments at Washington, and in custom-houses and post-offices where as many as fifty clerks are employed, appointments shall be made by reason of merit or efficiency. Competitive examinations are held, and when a new appointment is to be made in any Department or office, as to fill a vacancy, it must be filled from the four persons standing highest on the list of those who have passed the examinations. This is called the eligible list. Every State or Territory is entitled to its fair share of the appointments, and no person can be finally appointed until he has served a probation of six months. This is called the merit system. The President, in the exercise of his discretion as the executive head of the Government, has extended this system to many classes of officers and employés that the law does not in terms include. Mention may be made of the Government Printing Office and of the postal railway service.

662. The President's Message.--The President is required to give Congress information of the State of the Union from time to time, and to recommend to its consideration such measures as, in his judgment, are necessary and expedient for the good of the country. At the opening of each session of Congress, he sends to the Houses a written communication that is styled a message conveying such information and making such recommendations. He also sends in from time to time special messages conveying special information or recommendations as occasion requires. The communications in which the President makes nominations, transmits treaties to the Senate, and assigns his reasons for refusing to sign bills are also known as messages. The heads of the several Departments make

annual reports to the President, and these the President transmits at the same time that he sends in his annual message. Collectively they are called the Executive Documents.

663. Special Sessions of Congress.— The President, on extraordinary occasions, may call the Houses of Congress together in special session. In such cases he transmits a message explaining why he does so, and recommending such action as he thinks necessary to be taken. He may also convene either house of Congress alone, and it is the custom for the President, just before retiring from office, to issue a proclamation calling the Senate together immediately following the inauguration of his successor. This gives the new President an opportunity to nominate his Cabinet and such other officers as he thinks important to appoint at that time. No President has ever found it necessary to call the House of Representatives by itself.

CHAPTER XXX.

THE EXECUTIVE DEPARTMENTS.

The American Government. Sections 511-524.

The executive business of the Government is transacted through the Executive Departments, eight in number, that Congress has by law created. The President's office in the White House exists only for his personal convenience and is not an office of record. All the public records are kept in the Departments through which the business is transacted. The Departments are established in Government buildings in Washington. The names of the Departments, with the dates of their establishment, are as follows: State, Treasury, War, Justice, formerly called the Office of the Attorney General, and Post-Office, 1789; Navy, 1798; Interior, 1849, and Agriculture, 1889. The heads of these Departments all receive the same salary, \$8,000 a year.

664. Department of State.—At the head of this Department stands the Secretary of State, who is considered the head of the Cabinet. There are also three Assistant Secretaries of State. Under the direction of the President, the Secretary conducts the foreign and diplomatic business of the country. The originals of all treaties, laws, and foreign correspondence are in his custody. He also has in his possession the seal of the United States, and affixes it to public documents that require it, and also authenticates the President's proclamations with his signature. The business of the Department is conducted through various bureaus, such as Archives

and Statistics, the Diplomatic, and the Consular Bureaus, etc.

665. Department of the Treasury.—The Secretary of the Treasury proposes plans for the public revenues and credit, prescribes the manner of keeping the public accounts, superintends the collection of the revenue, issues warrants for the payment of moneys appropriated by Congress, and makes an annual report of the state of the finances. The several auditors of the Department examine the accounts of the different branches of the public service; comptrollers certify the results to the Register, who has charge of the accounts and is the National bookkeeper. The Treasurer has the moneys of the Government in his custody, receiving and disbursing them. The Commissioner of Customs looks after the customs, the Comptroller of the Currency after the National Banks, and the Commissioner of Internal Revenue after that part of the public service. There are also directors of the Mint, of Statistics, and of Printing. The head of the Department is assisted by three Assistant Secretaries.

666. Department of War.—The Secretary of War directs the military affairs of the Government. He has charge of the army records, superintends the purchase of military supplies, directs army transportation and the distribution of stores, has the oversight of the signal service and the improvement of rivers and harbors, and looks after the supply of arms and munitions of war. The Department contains ten bureaus: The offices of the Adjutant, Quartermaster, Commissary, Paymaster, and Surgeon Generals, the Chief of Engineers, the Ordnance and Signal Office, the Bureau of Military Justice, and the Military Academy at West Point. There is also an Assistant Secretary of War.

667. Department of Justice.—The head of this Department is the Attorney-General, who is the responsible adviser of the President and the heads of the other Executive Departments on matters of law. He and his assistants look after the interests of the Government in the courts, prosecuting or defending law suits to which the United States are a party, and passing upon the titles of all lands purchased by the Government for forts or public buildings. There are in the Department a Solicitor General, four Assistant Attorneys-general, two Solicitors of the Treasury, a Solicitor of Internal Revenue, a naval Solicitor, and an Examiner of Claims for the Department of State. The District Attorneys in the different judicial districts are also under the direction of the Attorney-General.

668. Post-Office Department.—Subject to the President, the Postmaster-General is the head of the vast postal service of the country. He has a larger number of subordinates than all the other heads of Departments together. The First Assistant Postmaster-General has charge of salaries and allowances, free delivery, money-orders, dead letters, and correspondence. The Second Assistant has charge of the transportation of mails, including contracts, inspection, railway adjustments, mail equipment, railway mail service, and foreign mails. The Third Assistant has general charge of the finances of the department, including accounts and drafts, postage stamps and stamped envelopes, registered letters and classification of mail matter, special delivery and official files and indexes. The Fourth Assistant has general charge of appointments, including bonds and commissions, appointment of post-office inspectors, depredations on the mails, and violations of the postal laws.

669. Department of the Navy.—The Secretary of the Navy stands to this Department in the same relation that the Secretary of War stands to the War Department. There is one Assistant Secretary. The several bureaus of the department are: Yards and Docks, Equipment and Recruiting, Navigation, Ordnance, Medicine and Surgery, Provisions and Clothing, Steam, Engineering, Construction and Repairs. The U. S. Naval Academy at Annapolis is also subject to the Secretary of the Navy.

670. Department of the Interior.—The business intrusted to the Department of the Interior is much more miscellaneous and diversified in character than that intrusted to any other Department. The Secretary has general oversight of the Patent Office, Census Office, General Land Office, and Pension Office, Indian affairs, Public Buildings, and the Bureau of Education. The most extensive of these subordinate offices is that of Pensions, which disburses \$140,000,000 annually. The Commissioner of Education collects facts and statistics in regard to education and publishes them in an annual report. There are two Assistant Secretaries of the Interior.

671. Department of Agriculture.—It is the duty of the Secretary of Agriculture to diffuse among the people useful information on the subject of agriculture, in the most general and comprehensive sense of that term. He has the supervision of all quarantine regulations for the detention and examination of cattle exported and imported that may be subject to contagious diseases. The Weather Bureau, over which "Old Probabilities" presides, is in this Department. There is one Assistant Secretary.

672. The Cabinet.—The heads of the eight Departments that have been numerated, together constitute what is called the Cabinet. This name, however, is a popular

and not a legal one. The law creates the Departments and defines the duties of their heads. The Constitution empowers the President to call for the opinions in writing of these heads on matters relating to their several duties. The heads are responsible to the country so far as their duties are defined by law; for the rest they are responsible to the President. They meet frequently with the President to discuss public business. The President defers more or less, as he pleases, to the views that are offered, as he does to the views expressed by the heads singly in writing or in conversation, but the Cabinet as such has no legal existence and is not responsible. No official record is made of the meetings. The Constitution makes the President alone accountable for the faithful execution of the laws.

CHAPTER XXXI.

THE JUDICIAL DEPARTMENT.

The American Government. Sections 525-577.

The third of the independent branches of the Government of the United States created by the Constitution is the Judiciary. Its functions and organization will now be examined.

673. Judicial Power Defined.—It is the business of the judiciary to interpret and apply the law to the ordinary affairs of life. It does not make the law, but it declares what is law and what is not. This it does in the trial of cases, what are popularly called lawsuits. A case is some subject of controversy on which the judicial power can act when the case has been submitted to it in a manner prescribed by law. It is particularly to be noted that the judicial power is strictly limited to the trial and determination of cases. Some cases involve questions of law, some questions of fact, some questions of both fact and law, and all come within the scope of the judicial power. A court is a particular organization of judicial power for the trial and determination of cases.

674. Vesting the Judicial Power.—The judicial power of the United States is vested in one Supreme Court and in such inferior courts as Congress sees fit to ordain and establish. The Constitution thus creates the Supreme Court, and it also provides that its head shall be the Chief Justice of the United States. At the present time the inferior courts are the District Court, the Circuit Court, the Circuit Court of Appeals, the

Court of Claims, and the Courts of the District of Columbia and the Territories.

675. Extent of the Judicial Power.—The judicial power is co-extensive with the sphere of the National Government. It embraces all cases that may arise under the Constitution, the laws of the United States, and the treaties entered into with foreign nations. It includes all cases affecting ambassadors, other public ministers, and consuls; all cases of admiralty and maritime jurisprudence; cases to which the United States are a party; cases that arise between two or more States, or between a State and foreign states; cases between citizens of different States, and cases between citizens of the same State who claim lands granted by different States, and cases between citizens of a State and foreign states, citizens, or subjects.

676. Kinds of Jurisdiction.—A court has jurisdiction of a case or suit at law when it may try it, or take some particular action with regard to it. There are several kinds of jurisdiction. A court has original jurisdiction of a case when the case may be brought or begun in that court. It has appellate jurisdiction when it may re-hear or re-examine a case that has been decided or has been begun in some inferior court. The methods by which this is done are called appeal and writ of error. An appeal brings up the whole question, both law and fact, for re-examination; a writ of error, the law only. A court has exclusive jurisdiction of a case when it is the only court that can try it or can dispose of it in some particular manner. Two or more courts have concurrent jurisdiction of a case when either one may try it, provided the case comes properly before it.

677. The District Court.—Congress has created sixty-nine Judicial Districts, in each one of which a Dis-

trict Court is organized. There is at least one district in every State, and in the most populous States there are two or more. There are only sixty-six District judges, as a few of the judges preside over two districts. Each district has its own District Attorney, who is the local law officer of the Government, a Clerk who keeps the records of the court and issues legal papers under its seal, and a Marshal who is the executive officer of the court. A District court must hold at least two terms every year. It has a limited range of jurisdiction in civil cases, and especially in admiralty and maritime jurisprudence; that is, in matters relating to shipping and navigation. It also has jurisdiction of many crimes and offenses committed in the district.

678. The Circuit Court.—The sixty-nine districts are grouped in nine Circuits. The first circuit contains four States and four districts, the second three States and five districts, and so on. One of the justices of the Supreme Court is assigned to each circuit, and is called the Circuit Justice. There are also two Circuit judges in every circuit. The Circuit court sits from time to time in every district that the circuit contains. It may be held by the Circuit Justice, by one of the Circuit judges, or by the District judge of the district where the court is for the time sitting, or by any two of these sitting together. The district attorney, clerks, and marshals mentioned before serve these courts also. The Circuit court has original jurisdiction in civil cases where the amount in controversy is \$2,000, not counting costs, in copyright and patent right cases, and many others. It has original jurisdiction in criminal cases, and in capital cases an exclusive one; besides it has an appellate jurisdiction in respect to many cases that originate in the District courts.

679. The Circuit Court of Appeals.—In every circuit there is also a Circuit Court of Appeals. It consists of three judges, of whom two constitute a quorum. The Circuit Justice, the Circuit judges, and the District judges of the circuit are competent to sit in this court. The last, however, can sit only for the purpose of making a quorum in the absence of the Circuit Justice or of one or both of the Circuit judges. The law designates the places where these courts shall be held. First circuit, Boston; second, New York; third, Philadelphia; fourth, Richmond, Virginia; fifth, New Orleans; sixth, Cincinnati; seventh, Chicago; eighth, St. Louis, and ninth, San Francisco. The Circuit Court of Appeals can review many decisions made by the Districts and Circuit courts. In patent, revenue, criminal, and admiralty cases its decisions are final. These courts are exclusively courts of appeals, and they were created to relieve the Supreme Court of its overgrown business.

680. The Court of Claims.—The Government of the United States carries on vast business operations, and, as is natural, points of dispute are constantly arising. Formerly a person having a claim against the Government that the Executive Departments could not or would not pay, had no redress but to go to Congress for relief. This was unsatisfactory both to claimants and to the Government. To meet this difficulty, the Court of Claims was created and was given jurisdiction over certain classes of claims against the Government. The methods of procedure is for the claimant to enter a suit in court, which is regularly tried and determined. If judgment is rendered against the Government, Congress appropriates money to pay it. This court consists of a Chief Justice and four Associate Justices, and sits only in Washington. Congress has vested a limited jurisdic-

tion in respect to claims in the District and Circuit courts also.

681. The Federal District and the Territories.—Congress has established special courts for the District of Columbia and the Territories. The Supreme Court of the District consists of a Chief Justice and five Associate Justices, any one of whom may hold a court with power similar to that exercised by the District judges in the States. The Territorial judicial system is similar to this, but the judges are fewer in number.

682. The Supreme Court.—The Supreme Court consists of the Chief Justice of the United States and eight Associate Justices. It holds one regular term each year at Washington, beginning the second Monday of October. This court has original jurisdiction in all cases relating to ambassadors and other public ministers and consuls, and those to which a State is a party. It has appellate jurisdiction, both as to law and fact, in all cases originating in the inferior courts, save such as Congress by law shall except. Nearly all the cases that the court passes upon are appellate cases. Appeals may be made to it, and writs of error lie to it, from the District and Circuit courts, from the Court of Appeals, and from the Supreme Courts of the Federal District and the Territories.

683. Appointment of Judges.—The National judges are appointed by the President by and with the advice and consent of the Senate. The appointments are for good behavior, by which expression good official behavior is meant. Nothing is more necessary to a judicial system than the independence of the judges. If they were elected by the popular vote, they might court the popular favor to secure an election. If they served for fixed periods, they might court the Senate and President to

secure re-appointment. The courts of the Federal District and of the Territories do not come within the Constitutional provisions. However, Congress has made the tenure of the first good behavior, and of the second a term of four years.

684. Pay of the Judges.—The salary of a judge can not be diminished while he continues in office, but it may be increased. If Congress could reduce the judge's salary after he had entered upon his term, it might control his action and make him dependent upon its will. The salary of the Chief Justice is \$10,500, of the Associate Justices \$10,000, of the Circuit Judges, \$6,000, and District Judges \$5,000. Any judge who has held his commission ten years and has attained to the age of seventy, may resign his office and continue to draw his salary during the remainder of his life.

685. Concurrent Jurisdiction of National and State Courts.—The Constitution gives the Supreme Court an exclusive jurisdiction in cases affecting public ministers and consuls, and cases to which a State may be a party. Congress has gone further and declared the jurisdiction of the National courts in certain cases to be an exclusive one. Patent right and admiralty cases, for example, are of this class. Outside of this exclusive jurisdiction, Congress has given the State courts a civil jurisdiction concurrent with that of the National courts. Still more, some criminal offenses under the National laws may be prosecuted in the State courts, as those arising under the postal laws.

686. Appeals from State Courts.—The Constitution, laws, and treaties of the United States are the supreme law of the land. If the constitution or the laws of a State conflict in any way with this supreme law, such constitution or laws, so far as the confliction extends,

are null and void. Moreover, the power to decide what is, and what is not, a confliction with the National authority rests with the National judiciary. Hence, any case arising in the courts of a State that involves the National authority may be appealed to the National courts. Such cases are said to involve Federal questions. To this extent, therefore, the courts of the United States are the final and authoritative interpreters of the constitutions and laws of the States.

687. Rules Regulating Trials.—A jury system like that found in the States is a part of the National judiciary. All crimes, save in cases of impeachment, must be tried by an impartial jury of the State and judicial district where they have been committed. Crimes committed in the Federal District or in a Territory must be tried in the District or Territory. Crimes committed on the sea are tried in the district in which the accused is arrested, or into which he is first brought when the ship returns to the United States. No person can be put on trial for a capital or infamous crime until he has first been indicted by a grand jury; in such case the trial must be a speedy and public one, and the accused must be informed of the accusation made against him. He shall have the benefit of the compulsory power of the court to obtain witnesses in his favor, and shall also have the assistance of a lawyer for his defense. Excessive bail can not be required, or excessive fines be imposed, or cruel or unnatural punishments be inflicted. No person who has once been tried for an offense and found innocent, can be put on trial for that offense the second time. In a criminal case no man can be compelled to testify against himself, nor can any person be deprived of life, liberty, or property until he has been adjudged guilty according to the common course of the

law. In any civil suit at common law where the amount in controversy is more than twenty dollars, the right of trial by jury is also preserved. Rules like these will be found in the jurisprudence of the several States. These rules, however, relate exclusively to the National tribunals. The Fourteenth Amendment declares that no State shall deprive any person of life, liberty, or property without due process of law.

688. Military Courts.—Cases arising in the military and naval service are tried in Military courts called courts-martial. This is true of the militia also when they are employed in the public service in time of war or public danger. In all such cases as these the rule in regard to an indictment by a grand jury has no application.

689. Treason.—Treason against the United States is either making war against them, or siding with their enemies, rendering them aid and comfort. No person can be convicted of this crime, which is considered the greatest of all crimes, except on the testimony of two witnesses to the same offense, or on his own confession of guilt in open court. Congress has enacted two modes of punishment for treason at the discretion of the judge trying the case. The traitor shall suffer death; or he shall be imprisoned at hard labor for not less than five years, be fined not less than \$10,000, and be pronounced incapable of holding any office under the United States.

CHAPTER XXXII.

NEW STATES AND THE TERRITORIAL SYSTEM.

The American Government. Sections 584-597.

The Territorial System of the United States has played a very important part in their history. It is proposed in this chapter to show how it originated, and to describe its principal features.

690. The Original Public Domain.—At the time of the Revolution, seven of the thirteen States claimed to own the wild lands lying west of the Alleghany Mountains and extending to the Mississippi River and the Northern Lakes. These were then National boundaries. In time these States yielded their claims. When the Constitution was framed, in 1787, the country northwest of the Ohio River had already come into possession of the Old Congress. The Southern cessions were made later. The cessions to the Nation included both soil and jurisdiction, the ownership of the land and the right to govern the territory. The Northwestern cessions constituted the first public domain of the United States; that is, a territory belonging to the Nation in common. The Constitution gave Congress the power to dispose of the National territory, and to make all needful rules and regulations for its government. Before this, however, Congress had established a government over the domain, which was styled the Northwest Territory.

691. Annexations.—Seven annexations of territory have been made to the United States: Louisiana purchase,

1803; Florida, 1819; Texas 1845; Oregon, 1846; the two Mexican annexations, 1848 and 1853, and Alaska, 1867. These annexations, with a single exception, were additions to the public domain and became at once subject to the control of Congress. This exception was Texas, which had been an independent power and was admitted to the Union as a State at once without its passing through the Territorial probation. Subsequently Texas sold that part of her dominion which now forms the eastern part of the Territory of New Mexico to the United States.

692. Provision for New States.—The claimant States made their cessions of Western territory on the condition that, as rapidly as it became ready, such territory should be divided into new States to be admitted to the Union on an equality with the old ones. So a provision was inserted in the Constitution that authorized Congress to admit new States to the Union. But this was not all; some controversies had already arisen concerning the formation of new States out of old ones. So it was provided that no new State should be formed within the jurisdiction of any State, nor should any new State be formed by uniting two or more States, without the consent of the Legislatures concerned as well as of Congress.

693. Territories of the United States.—In a broad sense the whole dominion of the United States is their territory, States and Territories alike. But in common usage the term territory is limited to so much of the whole dominion as has not been formed into States. Still further, as thus limited the word is employed in two senses. An organized Territory is a part of the dominion having prescribed boundaries and a fully developed Territorial Government. Arizona, New Mexico, and Oklahoma are the only Territories of this class. An unorganized

Territory either has no government at all, or has a very rudimentary one carried on by officers sent from Washington. Thus civil government is administered in Alaska, which is an unorganized Territory, by a Governor and Commissioners appointed by the President and Senate.

694. Government of an Organized Territory.—Such a government is set up by Congress. The Governor, Secretary, and Territorial Judges are appointed by the President for four years, and are paid from the National Treasury. The Legislature consists of a house of representatives and a council, the members of which are elected by the qualified voters of the territory. The Legislature legislates on subjects of local concern, subject to the Constitution and laws of the United States. For example, it may establish counties and townships and local self-government for the people. It may also establish a Territorial System of schools. The Governor exercises powers similar to those exercised by the Governor of a State, while the Secretary performs duties similar to those performed by a State Secretary of State. There are also a District Attorney and a Marshal appointed by the President. A Territory can not be represented in Congress or participate in the election of President and Vice-President. Still an organized Territory is permitted to send a delegate elected by the people to the House of Representatives, who may speak but not vote. It will be seen that the status of a Territory is in all respects inferior to that of a State. A Territory is an inchoate State.

695. Admission of New States.—This subject has been committed wholly to the discretion of Congress. Congress makes the boundaries of the State, fixes the *conditions of admission*, gives the state its name and

determines the time of admission. Congress settles some of the details in the act creating the Territory, and still others in a law providing for its admission called an Enabling Act. The principal steps to be taken are the following: First, the people of the Territory elect the members of a convention to frame a State constitution. Secondly, the convention thus elected performs the duty duly committed to it. Thirdly, the constitution is submitted to the people for their approval. Fourthly, Representatives and Senators are elected to represent the new State in Congress. Fifthly, comes the formal act of admission, which is sometimes performed by the President, who issues a proclamation to that effect in compliance with a law previously passed, and sometimes is performed by Congress passing an act called an act of admission.

696. States Admitted.—Thirty-one new States have been admitted to the Union. Vermont, Maine, West Virginia, Kentucky, and Tennessee were formed from old States and were never Territories. The facts in regard to Texas have been stated already. The other States, twenty-five in number, have been formed from the public domain; and, save California alone, have passed through the Territorial probation.

697. Indian Territory.—Some sixty years ago this Territory was set apart and dedicated by Congress as a home for so-called civilized tribes of Indians. Many tribes and portions of tribes were removed there from east of the Mississippi River. The Indians keep up their tribal organization of government, but they are subject to the general oversight of Congress. There is a United States court in the Territory, which exercises jurisdiction over offenses committed against the laws of Congress so far as they are applicable.

698. The Public Lands.—Beginning in Southeastern Ohio in 1786, the Government has caused the public lands to be surveyed according to a uniform system. They are first cut up into townships six miles square, and then subdivided into sections of 640 acres, which again are divided into lots of 160, 80 and 40 acres. The sections are numbered back and forth, beginning in the northeast corner, in the following manner:

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Such a township as this is called a Congressional township. As a rule, the States have based their divisions of counties and townships on the Government surveys, and it is this fact that gives the maps of the Western States such a checker-board appearance. In general Congress has followed a very liberal policy in respect to the public lands, selling them at low prices, giving them away as bounties to soldiers and to settlers under the homestead law, and granting them to States and railroads and other corporations to stimulate public improvements.

699. School Lands.—Beginning with Ohio, admitted to the Union in 1803, and continuing to Wisconsin, ad-

mitted in 1848, Congress gave section No. 16 in every Congressional township for the use of common schools. Beginning with California, in 1850, and continuing to the present, it has given sections 16 and 36 in every township for that purpose. Congress has also given every public-land State, or State formed out of the domain, two townships of land for the support of a State university, and some of them more than two. It has also given lands for agricultural colleges and normal schools, and for other educational purposes.

700. New States.—The following table contains the names of the new States, and the dates of their admission to the Union:

Vermont, March 4, 1791.	Wisconsin, May 29, 1848.
Kentucky, June 1, 1792.	California, September 9, 1850.
Tennessee, June 1, 1796.	Minnesota, May 11, 1858.
Ohio, February 19, 1803.	Oregon, February 14, 1859.
Louisiana, April 8, 1812.	Kansas, January 29, 1861.
Indiana, December 11, 1816.	West Virginia, June 19, 1863.
Mississippi, December 10, 1817.	Nevada, October 31, 1864.
Illinois, December 3, 1818.	Nebraska, March 1, 1867.
Alabama, December 14, 1819.	Colorado, August 1, 1876.
Maine, March 15, 1820.	North Dakota, Nov. 2, 1889.
Missouri, August 10, 1821.	South Dakota, Nov. 2, 1889.
Arkansas, June 15, 1836.	Montana, November 8, 1889.
Michigan, January 26, 1837.	Washington, Nov. 11, 1889.
Florida, March 3, 1845.	Idaho, July 3, 1890.
Texas, December 29, 1845.	Wyoming, July 10, 1890.
Iowa, December 28, 1846.	Utah, January 4, 1896.

CHAPTER XXXIII.

RELATIONS OF THE STATES AND THE UNION.

The American Government. Sections 419-445; 578-583; 598-603; 608-620; 623-631; 644-654; 763-772.

Part II of this work describes the government of a single State. The preceding chapters of this Third Part describe the Government of the Union in its general features. It is very obvious that either one of these governments, by itself, would be very imperfect. It is equally obvious that they supplement each other. Each one is essential to the other and to society, and neither one is more essential than the other. The two together make up one system of government. The governments of the States are part of the Government of the Union, and the Government of the Union is a part of the governments of the States. The citizen is subject to two jurisdictions, and has two loyalties and two patriotisms. Both of these jurisdictions have been created by the American people, and each one is exclusive and independent within its sphere. In other words, the United States are a federal state, and their Government is a federal government. Moreover, experience shows that such governments are complicated and delicate, and that they will not work well unless the two parts, local and general, are well adapted each to each like the parts of a machine.

701. The State Sphere.—The sphere of the State is well marked off. Matters of local and State concern are committed to its exclusive authority. Within its sphere,

the State is perfectly free to do what it pleases, taking good care not to infringe upon the sphere of the Union. It is the great business of the State government to preserve the peace and good order of society within its borders. It defines civil and political rights; it defines and punishes crime; it protects the rights of property, of person, and of life; it regulates marriage and divorce; it provides schools and education for the people, and does a hundred other things that it deems necessary to promote the physical, intellectual, and moral well-being of the people.

702. The National Sphere.—This is equally well defined. Matters of general, common, or national interest are committed to the Union. Here are the powers to levy taxes and borrow money for National purposes; to regulate foreign commerce; to conduct war; to carry on the post-office; to manage foreign relations; and to do the many other things that are covered by the National Constitution. It will be seen that these are matters in which the whole American people are interested. Within its sphere, the Nation is just as free and unlimited as the State is within the State's sphere.

703. The State and the Union.—Neither one of these jurisdictions is, strictly speaking, limited to matters purely local or purely national. The State does more than merely to look after local interests. The Union does more than merely to see to National affairs. Either authority does some things that, at first thought, might seem to belong exclusively to the other. In this way, great strength is imparted to the whole system, and it is made to do its work more thoroughly. This a series of paragraphs will show.

704. National Functions of the States.—The State participates directly in carrying on the Government of

the Union. It defines the qualifications of electors, establishes Congressional districts, conducts the elections of Representatives, elects members of the United States Senate, and appoints Presidential Electors. All these things are purely voluntary. The States cannot be compelled to do them, but if they should refuse or neglect to do them the whole National system would fall into ruins. But, more than this, the Union employs the State militia, and imposes duties upon the governors and judges of the States.

705. Prohibitions Laid on States.—The successful working of the National System makes it necessary that certain prohibitions shall be laid on the States. No State can enter into any treaty, alliance, or federation; coin money, send out paper money, make anything but gold and silver a tender in payment of debts, pass any law interfering with contracts, or grant any title of nobility. No State, without the consent of Congress, can levy duties or imposts on imports and exports, beyond what is necessary to pay the cost of its inspection service. No State can, without the consent of Congress, lay any tonnage tax on ships, keep troops or ships of war in time of peace, enter into any compact or agreement with another State or a foreign power. No State can engage in war, unless it is actually invaded or in immediate danger of invasion.

706. Duties of State to State.—If the National System is to work smoothly, it is obvious that a good understanding among the States is necessary. The Constitution accordingly lays various commands upon the States in respect to their relations one to another. The acts, records, and judicial processes of any State are respected by every other State, so far as they can have any application. For example, a marriage or a divorce

granted in one State is a marriage or a divorce in every other State. Citizens of one State passing into another State are entitled to all the rights and privileges that the citizens of such State enjoy. If a person who is charged with any crime in one State flees from justice and is found in another State, it is the duty of the Governor of the State to which he has fled to surrender him on the demand of the Governor of the State from which he has fled, that he may be brought to trial and, if guilty, to punishment.

707. Privileges and Immunities of Citizens.—Section one of Amendment XIV. declares all persons born and naturalized in the United States and subject to their jurisdiction, to be citizens of the United States and of the State wherein they reside. It contains also the following declarations: “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

The Union owes several important duties to the State.

708. Republican Form of Government.—The Union guarantees to every State a republican form of government. If a non-republican government should be established in any State by revolution or otherwise, it would be the duty of the Union to interfere and see that republican government be re-established. Power to decide in such cases what a republican form of government is, belongs to Congress.

709. Invasion and Domestic Violence.—The Union must also protect the States against invasion, and in emergencies against domestic violence. These duties are

the more necessary because the Constitution denies to the States the right to keep troops and ships of war in time of peace. If any State is invaded it is the duty of the President to call out the National forces to repel the invasion. In the first instance it is the duty of the State authority to suppress domestic violence within its borders, but if such authority in any case thinks the assistance of the United States to be necessary or advisable, it has the right to call for such assistance. The Legislature, if it be in session, and otherwise the Governor, makes the call. This call is addressed to the President, who takes such steps as he thinks necessary to accomplish the object.

710. The National Authority and the Public Peace.—There are, however, certain emergencies in which the President can act directly to suppress domestic violence. When such violence interferes with the operations of the National Government, he need not wait for the State Legislature or Governor to call for assistance, but is in duty bound to act at once to protect the operations of the Government and so to restore the public peace. Thus, when the United States mails and inter-State commerce in Chicago, in 1894, were interrupted, President Cleveland sent the National forces to protect the mails and to restore order.

711. Supremacy of the Union.—The Constitution, laws, and treaties of the United States are the supreme law of the land. They supersede State constitutions and laws whenever these constitutions and laws encroach upon the supreme law. To secure this end, the judges of the State courts, in interpreting and declaring the law, must side with the United States, rather than with the State, in all cases of confliction. To secure this supremacy the more completely, Senators and Representatives

of the United States, members of the State Legislatures, and all executive and judicial officers, both of the United States and of the States, must take an oath or affirmation to support the Constitution of the United States. But no religious faith, opinion, or rite can be made a qualification for holding any office of public trust under the United States.

There are also many prohibitions laid upon the National authority. Several of these have been dealt with already in other places; others will be dealt with in this place.

712. Writ of Habeas Corpus.—In countries where this writ is recognized, a sheriff or other officer, or even a private individual, who has a person in his custody whom he is depriving of his liberty, can be made to show reason why he holds him. The person who is held as a prisoner, or other person in his interest, appeals to a court of competent jurisdiction for a writ of habeas corpus, which commands the officer or other person to bring his prisoner into court. If he can show no sufficient cause for holding him, the prisoner is set at liberty. This writ is one of the great bulwarks of personal liberty, and the Constitution provides that the privilege of the writ shall not be suspended unless in time of rebellion or invasion when the public safety requires it.

713. Bills of Attainder and *Ex-Post Facto* Laws.—A bill of attainder is a legislative act that inflicts punishment of some kind upon a person without a judicial trial. An *ex post facto* law is a law that places some punishment upon an act that was not placed upon it when the act was done. Both the State Legislatures and Congress are forbidden to pass any bill of attainder or *ex post facto* law.

A statement of several restrictions that are imposed upon the States or the Union, or both States and Union, may fitly close this work.

714. Titles of Nobility.—These would plainly be out of character and be corrupting in tendency in a republican country. Republicanism assumes the equality of citizens. So it is provided that neither the United States nor any State shall grant any title of nobility. Furthermore, no officer of the United States can, without the consent of Congress, accept any present, office, or title from any king, prince, or foreign state.

715. No National Church.—Congress can pass no law in relation to a state church or establishment of religion, or prohibit the free exercise of religion. All churches and religions are, so far as the National authority is concerned, put on the same level. The separation of Church and State is a fundamental principle of American polity.

716. Freedom of Speech and the Right of Petition.—Congress can pass no law abridging the freedom of speech or of the press, or denying or limiting the right of citizens peaceably to assemble and to petition the Government for a redress of grievances. This provision, however, is no defense of license of speech or printing, such as slander or libel, or of public tumult and disorder.

717. Soldiers in Private Houses.—Tyrannical rulers have often accomplished their purpose of oppression by quartering soldiers in the houses of citizens, to overawe and intimidate them. In the United States soldiers can not be quartered in private houses without the consent of the occupants in time of peace, and not in time of war save in a manner that is prescribed by law.

718. The Militia.—Tyrannical governments have often found it necessary, in order to accomplish their purpose, to suppress the citizen soldiery, or to deny the people the right to keep and to bear arms. Our Constitution provides that, since a well regulated militia is necessary to the security of every state, the right of the people to keep and bear arms shall not be infringed.

719. Searches and Seizures.—Oppressive rulers have often, or generally, held themselves at perfect liberty to search the papers and persons of citizens or subjects, in order to find evidence for criminating them or for establishing their own tyranny the more thoroughly. Our Constitution provides that the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated. Warrants for the purpose of making such seizures shall not be issued by magistrates unless there is probable cause for issuing them, which must be sworn to by the complainant; and even then they must particularly describe the place to be searched and the persons and things to be seized.

ANALYTICAL REVIEWS.

(The following topics may be used as the corresponding chapters are completed, or they may serve to guide in a review of the entire work.)

Historical.

- I. Explorers.
 - 1. De Soto.
 - 2. Joliet.
 - 3. Marquette.
- II. Permanent Settlements.
 - 1. Ste. Genevieve.
 - 2. St. Charles.
 - 3. St. Louis.
 - 4. The Spanish.
 - 5. The French.
- III. Missouri as a Territory.
- IV. Admission.
 - 1. Missouri Compromise.
 - 2. Population.
 - 3. First Officers.
- V. The Civil War.
 - 1. Secession Question.
 - 2. Battles.
 - 3. Constitution.
 - 4. Results.

Nature of Government.

- I. Characteristics.
 - 1. State Government.
 - 2. National System.
- II. Objects of Government.
- III. Constitutions.
 - 1. How Made.
 - 2. How Adopted.
 - 3. How Amended.

The Family.

- I. Importance and Influence.
- II. Members.
 - 1. Relations.
 - 2. Duties.
 - 3. Rights.
- III. Lessons Taught.
 - 1. Industry.
 - 2. Submission to Authority.
 - 3. Duties of Citizenship.

The School.

- I. Purposes.
- II. School Districts.
- III. Powers of the People.
- IV. Directors.
 - 1. Qualifications.
 - 2. Duties and Powers.

3. Term of Office.

- V. School Funds.
 - 1. State.
 - 2. County.
 - 3. Township.
 - 4. Special.
 - 5. Local Tax.
 - 6. Legislative Appropriation.
 - 7. Apportionment.

VI. The Teacher.

- 1. Qualifications.
- 2. Training.
- 3. License.

VII. Text-Books,

The Municipal Township.

- I. Purposes.
- II. Officers.
 - 1. Qualifications.
 - 2. Election.
 - 3. Powers and Duties.
 - 4. Compensation.
- III. Citizens.
 - 1. Rights.
 - 2. Duties.
- IV. Township Organization.
 - 1. Advantages.
 - 2. Disadvantages.
 - 3. Officers.

The County.

- I. Relation to the State.
- II. Officers.
 - 1. Names.
 - 2. Qualifications.
 - 3. Election.
 - 4. Powers and Duties.
 - 5. Terms.
 - 6. Bond.
 - 7. Compensation.

The Congressional Township.

- I. Purpose.
- II. Land Surveys.
 - 1. Standard Lines.
 - (1) Base Lines.
 - (2) Meridians.
 - 2. Townships.
 - 3. Sections.
 - 4. Corners.
- III. Conveying Land.

Cities and Villages.

- I. Incorporation.
- II. Classes. [Class.
 - 1. First Class.
 - 2. Second
 - 3. Third Class.
 - 4. Fourth Class.
- III. Executive Officers.
 - 1. Appointive.
 - 2. Election.
 - 3. Qualifications.
 - 4. Powers and Duties.
- IV. Legislative Branch.
 - 1. How Composed.
 - 2. Qualifications of Members.
 - 3. Powers.
- V. Judicial Branch.
 - 1. Where Vested.
 - 2. Jurisdiction.
- VI. Revenue and Taxation.
- VII. Villages.
 - 1. Incorporation.
 - 2. Board of Control.
 - 3. Qualifications of Trustees.
 - 4. Powers.

The General Assembly.

- I. Two Houses.
- II. Sessions.
- III. Powers of Each House.
- IV. Legislative Proceedings.
 - 1. Law-Making.
 - 2. Governor's Veto.
 - 3. Limitations.
 - 4. Prohibitions. [tives.
- V. House of Representa-
 - 1. How composed.
 - 2. Qualifications.
 - 3. Election.
 - 4. Term of Office.
- VI. The Senate.
 - 1. How Composed.
 - 2. Qualifications.
 - 3. Apportionment.
 - 4. Election.
 - 5. Term of Office.
- Executive Branch.
 - I. Officers. II. Election.
 - III. Term. IV. Qualifications.
 - I. Of Governor

2. Of other Officers.

- V. Powers and Duties.
 - 1. Of the Governor.
 - 2. Of each of the other State Officers.
- VI. Appointive Officers.
 - I. Names. 2. Duties.
- VII. State Boards.
 - I. Names. 2. Duties.
- VIII. Salaries.

Judicial Branch.

- I. Power where Vested.
- II. Prohibition on Judges.
- III. Classes of Courts.
 - I. Circuit Courts.
 - (1) Number. [Judges.
 - (2) Qualifications of
 - (3) Election of Judges.
 - (4) Jurisdiction.
 - 2. Common Pleas C'rts.
 - (1) Louisiana.
 - (2) Hannibal.
 - (3) Cape Girardeau.
 - (4) Sturgeon.
 - (5) Judge of each.
 - 3. Criminal Courts.
 - (1) Fifteenth Judicial Circuit.
 - (2) Jackson County.
 - (3) Buchanan County.
 - (4) Greene County.
 - (5) St. Louis County.
 - (6) The Judge of Each.
 - 4. Courts of Appeals.
 - (1) St. Louis.
 - (2) Kansas City.
 - (3) Judges of Each.
 - (4) Jurisdiction.
 - 5. The Supreme Court.
 - (1) Qualifications of Judges.
 - (2) Jurisdiction.
 - (3) Compensation.

Rights and Duties.

- I. Principles of Governm't.
- II. Rights of the State.
- III. Personal Rights.
- IV. Prohibitions.
- V. Rights of the Accused.
- VI. Duties of Citizens.

Citizenship and Suffrage.

- I. Who Are Citizens.
- II. Naturalization.
 - 1. Steps in the Process.
 - 2. Certificate.
 - 3. Rights Conferred.
- III. By Whom Admitted.
- IV. Suffrage. [Right.
 - 1. Who Confers the
 - 2. States Decide.
 - 3. Voters' Duties and Responsibilities

Elections in Missouri.

- I. Time. II. Place.
- III. Voters' Qualifications
- IV. Disqualified to Vote.
- V. Election Proceedings.
- VI. Australian System.
 - 1. Its General Plan.
 - 2. Its Advantages.

Party Management.

- I. Committees.
 - 1. National. 2. State.
 - 3. County.
- II. Conventions.
 - 1. National. 2. State.
 - 3. County. 4. Township.
 - 5. The Caucus.
- III. The Primary Election.

Revenue and Taxation.

- I. Principles.
- II. Kinds of Taxes.
 - 1. Direct.
 - (1) Property. (2) Poll.
 - 2. Indirect.
 - (1) Internal Revenue.
 - (2) Customs.
- III. State Taxation.
 - 1. Sources of Revenues.
 - 2. Exemptions.
 - 3. Assessment.
 - 4. Equalization.
 - 5. Rates.
 - (1) For State Purposes
 - (2) For County "
 - (3) For City "
 - (4) For School "
 - 6. Collection of Taxes.

State Institutions.

- I. Educational.

- I. University.
- 2. Normal Schools.
 - (1) First District.
 - (2) Second District.
 - (3) Third District.
 - (4) Lincoln Institute.
- 3. The Management.

- II. Eleemosynary.
 - 1. Deaf and Dumb
 - 2. Blind Institute.
 - 3. Reform Schools.
 - (1) For Boys.
 - (2) Home for Girls.
 - 4. Asylums for Insane.
 - 5. The Management

Miscellaneous Local Matters.

- I. Interest Rates.
- II. Marks and Brands.
- III. Weights and Measures.
- IV. Militia. V. Public Safety.
- VI. Travel. VII. Adult'rat'ns.

TOPICAL REVIEW OF THE NATIONAL GOVERNMENT.

I. Colonial Governments consisted of

- (1) An Assembly,
- (2) A Council,
- (3) A Governor, and
- (4) Courts of Law.
2. The Assembly was chosen by the people.
3. The Council, Governor, and Judges were appointed in various ways.
4. The Colonists possessed the rights of English subjects.
5. Parliament had power to nullify any law passed by the Colonies.
6. The Colonies owed a double allegiance: they were subject—
 - (1) To their own laws, and
 - (2) To those of Great Britain.
7. The Crown and Parliament had supremacy in national affairs.
8. The Colonial Governments were supreme in local affairs.
9. The attempt of Parliament to tax the Colonies precipitated the conflict which ended in independence.

II. Political Effects of Independence.

1. The Colonies became free and independent States.
2. The Union that had existed through Great Britain now existed through Congress.

3. The powers of Congress were defined by the Articles of Confederation.

4. Their inadequacies were supplied by the Constitution.

5. How the Constitution was framed.

6. How it was ratified.

7. The views of its friends and its enemies.

8. How the government was inaugurated.

9. How amendments may be proposed and ratified.

10. The amendments enumerated and characterized.

11. The preamble an enacting clause.

12. The preamble involves five things: *a.* The people enact it. *b.* It establishes a more perfect union *c.* It establishes a constitutional government. *d.* It creates a federal state. *e.* The people delegate some powers and reserve others

13. The provisions of the Constitution are embodied in VII. articles.

III. How powers are distributed.

1. A legislative department makes the laws. The President may veto and the Supreme court annul them.

2. An Executive Department enforces and administers the laws. Congress may impeach.

3. A Judicial Department interprets and applies. The legislative department may impeach and the President and Senate appoint or remove.

IV. The Legislative Department.

1. It is bicameral—two-chambered.
2. How the House is elected.
3. Qualifications of Representatives and Senators.
4. The qualifications of electors.
5. How Senators are elected: the four steps.
6. How vacancies are filled.
7. Classes of Senators.
8. Who may vote for Representatives.
9. How Representatives are apportioned.
10. The decennial census.
11. Method of apportionment.
12. Changes in the law: 1842; 1872; 1873.
13. Compensation of national legislators.
14. Privileges of members of Congress
15. Prohibition affecting members of Congress.
16. Length of each Congress.
17. Times of meeting.
18. Officers of the Senate.
19. Officers of the House of Representatives.
20. Each house the judge of the rights, qualifications, etc., of its members.

21. Quorums to transact business.
22. Rules governing proceedings.
23. Power to punish its own members.
24. Journals and voting.
25. Mode of Legislating.
26. Action of the President.
27. Orders, resolutions.
28. The Committee system.
29. Adjournments.

V. Impeachments.

1. Any Civil Officer may be impeached.
2. The House impeaches.
3. The Senate tries impeachments.
4. How the trial is conducted.
5. The limit of punishment on conviction.
6. Summary of impeachments.

VI. Powers of Congress.

1. Taxation.
2. Special Rules.
3. Taxes: direct and indirect.
4. Borrowing money—Bonds and Treasury Notes.
5. Commerce.
6. Naturalization
7. Bankruptcies.
8. Coinage.
9. History of the silver dollar.
10. Fineness, weight, and ratio of value of gold and silver.
11. Gold and silver certificates.
12. Counterfeiting.
13. The Independent Treasury.
14. National Banks.

15. Weights and Measures.
16. The postal service.
17. Rates of postage.
18. Copyrights and patent rights.
19. Piracies and felonies.
20. Power to declare war.
21. Federal district.
22. Power to make necessary laws.

VII. Powers of the Executive.

1. The executive power efficient.
2. How the President and V.-P. are elected.
3. How nominated.
4. Electoral ticket.
5. How electors are chosen.
6. How electors vote.
7. How their votes are counted.
8. When electors fail to elect, the House elects Pres., and Senate V.-P.
9. History of the electoral law. [tem.
10. Remarks on the System.
11. Qualifications, term, and salary.
12. Oath of office.
13. Duties of Vice-President.
14. The presidential succession.
15. Commander-in-chief.
16. Power to pardon, except in impeachment cases.
17. Makes treaties by aid of Senate.
18. How treaties are made.
19. Appointive power.
20. The President nominates; the Senate confirms.
21. Public ministers.

22. Recognition of countries by receiving ministers.
23. The duties of consuls.
24. Military and naval officers appointed and removed.
25. The President's power of removal.
26. How vacancies are filled.
27. The civil service.
28. Civil service reform.
29. The President's messages.
30. Power to call special sessions of each or both houses.

VIII. Executive Departments.

1. Department of State.
2. Department of the Treasury.
3. Department of War.
4. Department of Justice.
5. Post-office Department. [Navy.
6. Department of the Interior.
7. Department of Agriculture.
9. The constitution and functions of the Cabinet.

IX. The Judicial Department.

1. Its functions and power defined.
2. Where the power is vested.
3. The different kinds of courts.
4. The extent of the judicial power.
5. Original, concurrent, and appellate jurisdiction.

6. The number of district courts.
7. The circuit courts.
8. The circuit courts of appeals.
9. The court of claims.
10. Courts of the Federal District and Territories.
11. The Supreme Court.
12. How the judges are appointed.
13. The compensation of judges.
14. The concurrent jurisdiction of national and state courts.
15. Appeals from State courts.
16. Rules regulating trials.
17. Military courts.
18. Treason and its punishment.

X. New States and the Public Domain.

1. The origin of the public domain.
2. Annexations of territory.
3. Provisions for new States.
4. Territories of the United States.
5. The government of an organized Territory.
6. How new States are admitted.
7. Indian Territory.
8. How the public lands are surveyed.

9. School lands.
10. The new States admitted.

XI. Relation of the States to the Union.

1. The sphere of a State.
2. The sphere of the Nation.
3. The State and the Union.
4. National functions of the States.
5. Prohibitions laid on the States.
6. Mutual duties of States.
7. Privileges and immunities of citizens.
8. A Republican form of government guaranteed.
9. Invasion and domestic violence.
10. National authority and public peace.
11. The supremacy of the Union.
12. The writ of habeas corpus.
13. Bills of attainder and ex post facto laws.
14. No titles of nobility conferred—none to be accepted by public officers.
15. No national church.
16. Soldiers not to be quartered on citizens.
17. The militia.
18. Searches and seizures.

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